



# VOICE OF REASON

The Journal of Americans for Religious Liberty

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## ARL's Amicus Brief – *Town of Greece v. Galloway*

ARL urged the U.S. Supreme Court to uphold a federal appeals court decision striking down mandatory sectarian prayers before a town council in upstate New York. ARL joined an amicus brief filed by the Center for Inquiry, the American Ethical Union and six other organizations supporting the decision of the U.S. Court of Appeals for the Second Circuit in *Town of Greece v. Galloway*.

The brief argues that “deliberative-body prayer risks intolerable religious conflict within local communities” and has “the potential to foment religious conflict and create societal rifts of the very type the Establishment Clause was meant to avert.” In the practice followed by the Town of Greece, “the mechanism for choosing speakers ensures that only religious viewpoints are expressed. . . . By result if not design, Greece’s prayer program also discriminates against minority religions.”

An element of coercion exists in this practice. “Greece’s prayer program also creates an unacceptable risk of coercing participation in religious exercise. . . . The Town Board regularly invites or requires participation of private citizens at its meetings. In some cases, citizens are required to appear to petition the Board on matters within its discretionary authority. An individual who wants to operate a business or to re-zone property must attend to participate in a hearing.” This example shows “the dangerous consequences that follow when the government takes sides in matters of religion.”

The brief argues that “deliberative-body prayer can foster exclusion and harassment of minority groups,” noting that “this country’s experience with deliberative-body prayers has been turbulent and divisive.” In addition, “Deliberative-body prayer practices frequently lead to backlash and ridicule of those who practice a minority faith, or no faith at all” and “has also fractured local political processes along religious lines.”

Deliberative-body prayer clearly leads to entanglement with religion and shows a preference for Christianity. “It unabashedly endorses religion: Greece does nothing to insulate itself from actual or perceived sponsorship of the religious messages delivered by those clergy which the government selects.”

While supporters of the town policy cite the 1983 U.S. Supreme Court decision in *Marsh v. Chambers*, upholding state legislative chaplains, they ignore the vast changes in the American religious landscape over the past three decades. “The country has grown increasingly diverse in its religious beliefs. . . . Government-sponsored prayer will lead to further strife and dissension. . . . Viewed in its proper context, the Town’s prayer practice runs afoul of each of the principles the Establishment Clause protects, and is therefore unconstitutional.”

The brief was written by Lisa S. Blatt and other attorneys at the distinguished Washington law firm of Arnold and Porter. The complete brief is available on ARL’s website, [www.arlinc.org](http://www.arlinc.org).

## Government Prayer at the High Court

The Supreme Court heard oral arguments on November 6 in a case with potentially far-reaching consequences. The case, *Town of Greece v. Galloway*, involves the practice of opening local government meetings with prayer, almost always Christian in nature.

The town, a suburb of Rochester, New York, opened its meetings with a moment of silence until 1999, when Town Supervisor John Auberger invited clergy to open meetings with a formal prayer. Until 2007 only Christian clergy were invited, selected from a list of local churches. Two town residents, Susan Galloway and Linda Stephens, objected to the invocations, and the council briefly invited representatives of other faiths to participate. But the practice of inviting only Christians resumed, and Galloway and Stephens filed suit, charging that the practice violated the Establishment of Religion Clause of the U.S. Constitution’s First Amendment.

Last year, the U.S. Court of Appeals for the Second Circuit agreed, warning that government policies must not “have the effect of affiliating the government with any one specific faith or belief.”

The Supreme Court appeared divided, as usual, on religious issues. *Washington Post* writer Robert Barnes noted, “The Supreme Court struggled Wednesday with how the government can accommodate the nation’s religious traditions without endorsing beliefs not shared by all.” Conservative justices tended to see the practice as desirable or historically grounded and several noted the difficulty of trying to “review the proposed prayer,” as Chief Justice John Roberts noted. Several liberal justices agreed, but seemed less inclined to endorse the practice. Justice Elena Kagan pointedly said, “Part of what we are trying to do here is to maintain a multi-religious society in a peaceful and harmonious way. And every time the court gets involved in things

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# Typhoon Haiyan and Church-State Separation

Typhoon Haiyan smashed through the Philippines in November, killing thousands of people and devastating huge swaths of the country. In October of 2012 Superstorm Sandy slammed the coastal areas of New York and New Jersey, causing loss of life and billions of dollars of damage. Sea levels are rising and threatening coastlines in Florida, Bangladesh, and many other areas around the world. Weather patterns are changing. Climate is changing.

At the U.N. climate change talks in Poland in November Naderev Saño, the chief representative of the (predominantly Catholic) Philippines, said on November 11 that he “would stop eating in solidarity with the storm victims until ‘a meaningful outcome is in sight’” at the talks, according to *The New York Times*. He added: “What my country is going through as a result of this extreme climate event is madness; the climate crisis is madness. We can stop this madness right here in Warsaw.”

Okay, so what has all this to do with church-state separation? Let’s connect the dots.

The science is clear. Climate change and global warming are real, all too real. Climate change involves atmospheric carbon dioxide buildup, environmental degradation, resource depletion, fresh water shortages, waste accumulation, soil erosion, deforestation, desertification, and increasing sociopolitical disorganization, strife and violence.

Fueling all this is human overpopulation. World population now exceeds seven billion, three times what it was in the early 1950s, when scientists like Julian Huxley were calling attention to the problem. This even bothered conservatives like President Richard Nixon, who ordered a serious study of the matter by key government agencies. After Nixon resigned, President Gerald Ford saw the completion of the report, the National Security Study Memorandum 200 report, and endorsed it in late 1975. Then, curiously, the NSSM 200 report was “classified” and buried until shortly before the 1994 U.N. population conference in Cairo. In time for the conference, population scientist Stephen Mumford published the report in a 1994 book. World population had doubled since the report was finished and is still growing.

NSSM 200 analyzed the population problem in fine detail and recommended universal access to contraception and decriminalization of abortion. All this was emphasized by Norwegian prime minister and physician Gro Harlem Bruntland at the 1994 U.N. Cairo conference. But too little has been done over these past four decades. Why not? In large measure because of political pressure and activity from

conservative religious leaders of various traditions. Note that I said religious “leaders,” who do not really speak for most of their “flocks” (for want of a better word). For more complete information on all this, *VOR* Nos. 49 and 50, accessible on our web site, arlinc.org.

Americans of all persuasions need to bring pressure to bear on the political process. But there is one person who could make a huge difference right now: Pope Francis.

Francis has so far shown himself to be more in touch with the real world than his three predecessors, Paul VI, John Paul II and Benedict XVI, and more in tune with the reformist spirit of the 1962-65 Second Vatican Council. He could back the Catholic Church away from Paul VI’s 1968 condemnation of contraception (Paul ignored the advice of his own commission on this matter.) and what many experts regard as the church’s ahistorical, unbiblical, unscientific and misogynist opposition to women’s rights of conscience on abortion. Secondly, he could abandon the Holy See’s (Vatican’s) unique position as the only religious body in the world to enjoy nonmember state permanent observer status at the U.N., which it has used for decades to impede international progress on women’s rights of conscience and religious liberty on reproductive matters, often in cooperation with representatives of Islamic countries. Most “first world” Catholics and non-Catholics support women’s reproductive freedom of conscience.

Readers will note that we referred in our second paragraph to the Philippine representative to the climate conference in Warsaw. That was intentional, because the Philippines was one of few countries that followed the Vatican’s lead in opposing the 1994 U.N. Cairo conference’s Programme of Action on population and church officials there strenuously opposed the legislation passed by the Philippine congress in December 2012 to provide government funding for contraception and to allow sexuality education in public schools. Strong majorities of Philippine Catholics and legislators favor the reforms. (See *VOR* issue 122, page 10.)

It goes without saying that dealing with overpopulation needs to be accompanied by serious worldwide efforts to curb waste, increase energy efficiency, reduce dependence on fossil fuels, and advance the rights and welfare of women and children. Conservative religious leaders should be pushed to respect all persons’ rights of conscience and religious freedom and to support the principle of separation of church and state. The clock is ticking. —*Edd Doerr*

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Senior Editor: Edd Doerr  
Editor: Albert J. Menendez  
Production Editor: Teri Grimwood

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# Virginia Governor's Race: Social Issues Cost Republicans

Social issues played a prominent role in the Virginia governor's race. Democrat Terry McAuliffe opposed any effort to pass "personhood" legislation and promised to modify the new restrictions on abortion clinics. He said, "Women should be able to make their own health-care decisions without interference from Washington or Richmond."

McAuliffe supported marriage equality and said he would sign an executive order prohibiting workplace discrimination within the state government based on sexual orientation. He supported increasing funds for public education and made no mention of charter schools or vouchers.

Republican Ken Cuccinelli favored an amendment to the state constitution that would allow government funds to go to religious schools. In other words, he would repeal some of the religious liberty language put there by Jefferson and Madison. He supported expansion of charter schools and a tax-credit for donors to provide voucher-like "scholarships" enabling some students to transfer from public to private schools.

He opposed gay rights, supported the state's ban on gay marriage, and, as attorney general, opposed state universities' attempt to enact anti-discrimination protections for gay employees. He opposed abortion in almost all circumstances (except when the woman's life is threatened). As a state senator he cosponsored a personhood bill that would have granted constitutional protection to embryos from the moment of fertilization, which might have outlawed certain forms of contraception, according to the American Congress of Obstetricians and Gynecologists.

While taxes, jobs, transportation and Medicaid expansion were major concerns, the social issues undoubtedly affected the outcome of a race in which both candidates were extremely unpopular, according to pollsters.

Disagreement between the candidates on abortion shaped the last weeks of the highly contentious campaign. McAuliffe supported repeal of the mandatory ultrasound law for women seeking abortions, but said he would not try to change laws requiring parental notification and waiting periods. He promised to appoint members to the state Board of Health who "are focused on making decisions based on sound medical recommendations, not ideological agendas." And while Cuccinelli never budged from his rigid positions against abortion, he said he would not move to toughen the state's laws, which are already among the strictest in the nation.

*Washington Post* reporter Carol Morello said "the issue has often been front and center as national anti-abortion and abortion rights groups spend heavily on harsh ads."

McAuliffe and Cuccinelli are both active Catholics and graduates of private Catholic high schools. McAuliffe, the prochoice Democrat, also graduated from the Catholic University of America. Their divergent positions point up the deep divisions over many social issues among U.S. Catholics.

McAuliffe won by a surprisingly slender margin of 2.5 percentage points, far lower than polls had suggested. The much-celebrated gender gap narrowed to only six points. Women voted 51% for McAuliffe while men gave him 45%. Seven percent voted for Libertarian candidate Robert Sarvis. The real difference came in marital status. Unmarried women supported McAuliffe by a margin of 48 points, while married women voted for Cuccinelli by three points, the same margin as married men. Single men also supported McAuliffe but by a somewhat smaller margin.

Age, education and income did not vary widely, though McAuliffe ran strongest among the 30-44 age group. Young voters (ages 18-29) supported McAuliffe by only five points, primarily because Sarvis drew 15% of that age group, mainly at the expense of Democrats. African Americans, 20% of the total vote, remained loyal to the Democrats, giving their nominee 90% support. Exit polls did not have adequate numbers of Hispanic or Asian voters, but precincts in Northern Virginia showed

strong Democratic victories.

McAuliffe won in the heavily-populated Northern Virginia suburbs of Washington, D.C., with their large government worker and military personnel population. Even the two high-income exurbs, Loudon and Prince William Counties, went for McAuliffe as they had for Obama twice. The Hampton Roads area around Norfolk and Newport News remained solidly Democratic, except for Virginia Beach. Northern Virginia was critical. McAuliffe carried the area by 135,940 votes, losing by 80,000 in the rest of the state.

Counties and cities dominated by universities and colleges voted Democratic by wide margins of 5 to 1 in Charlottesville (home of the University of Virginia) and 2 to 1 in Williamsburg (College of William and Mary). Harrisonburg, Staunton and Lexington voted for McAuliffe, even though they are surrounded by Republican strongholds. (One exception was Lynchburg, where students at evangelical Liberty University voted heavily for Cuccinelli.)

Rural Virginia, from the central part of the state to the southwest and Shenandoah Valley, turned in landslide majorities for Republican Cuccinelli. The old coal-mining counties in the far southwest, Democratic strongholds as recently as the Clinton administration, voted Republican by 3 to 1.

The large, more diverse areas of the state that have attracted out-of-state residents have turned Virginia from red to purple.

Social issues played a role in the outcome, undoubtedly helping McAuliffe, and exit polls showed they significantly affected 20% of the voters.

As far as religion is concerned, Cuccinelli won only white evangelicals, who supported him 81% to 15% with 4% for Sarvis. Non-evangelical voters went for McAuliffe 61% to 31% with 8% for Sarvis, according to the exit poll conducted by Edison Research. White evangelicals comprised 27% of the 2013 electorate. ■

## 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.

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

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**Americans for Religious Liberty**  
PO Box 6656, Silver Spring, MD 20916  
Telephone: 301-460-1111  
email: arlinc@verizon.net

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# Freedom of Conscience Stressed in New Campaign

Though it has received scant attention in the United States, “The Global Charter of Conscience” was launched at the European Parliament in Brussels in June, 2012. It is an attempt to “reaffirm and expand” Article 18 of the Universal Declaration of Human Rights that was proclaimed by the United Nations in 1948.

The Global Charter “came out of more recent discussions at the EastWest Institute in New York as to what might benefit the whole world in the global era,” according to primary author Os Guinness. It purports to be “a vision of the rights, responsibilities, and respect that will be the foundation of a civil and cosmopolitan ‘global public square.’” It has three primary goals: “First, that it will be a beacon expressing the highest human aspirations for freedom of thought, conscience, and religion. Second, that it will be a benchmark enabling the most rigorous assessments of freedom of thought, conscience, and religion, which communities, countries, and civilizations have achieved so far. Third, that it will be a blueprint empowering the most practical implementation of freedom of thought, conscience, and religion, in both law and civic education.”

This is admittedly an ambitious goal and is motivated by international reports that cite growing restrictions on religious liberty. Clearly, a majority of humanity live in countries where religious belief and profession are not free or are restricted by government actions that favor a majority religion or that oppose all religious expression.

Of the 29 articles in the Charter, the first six explain the project in detail:

1. Freedom of thought, conscience, and religion is a precious, fundamental, and inalienable human right—the right to adopt, hold, freely exercise, share, or change one’s beliefs, subject solely to the dictates of conscience and independent of all outside, especially governmental control.

2. This right is inherent in humanity and rooted in the inviolable dignity of each human individual. As a birthright of belonging, it protects our freedom to be human and is the equal right of all human beings without exception.

3. The right to freedom of thought, conscience, and religion contains a duty as well as a right, because a right for one person is automatically a right for another and a responsibility for both.

4. The public place of freedom of thought, conscience, and religion is best fulfilled through cultivating civility between citizens and constructing a cosmopolitan and civil public square—a public square in which people of all faiths, religious and naturalistic, are free to enter and engage public life on the basis of their faith.

5. The rights of freedom of thought, conscience, and religion apply not only to individuals, but to individuals in community with others, associating on the basis of faith.

6. The rights of freedom of thought, conscience, and religion, as well as the realities of modern diversity, pose a particular challenge to the traditional standing of established, or monopoly worldviews. Both religious believers and secularists must acknowledge the excesses and at times evils of their respective positions, and commit themselves to an equal regard for the rights of all who differ from them in their ultimate beliefs.

So far so good. But the overall proposal remains vague and woefully lacking in specificity. For one thing, no one seems to know who drafted it and whether it really represents a diversity of opinion. Os Guinness, an evangelical social critic, has repeatedly said, “The Charter was reviewed over the course of three years by people of many faiths and none, including 50 academics, politicians (of various persuasions) and NGOs committed to freedom of conscience for all.” But those names have not been revealed.

Guinness’ record in the religious liberty field is mixed. He was a primary drafter of the 1988 “Williamsburg Charter,” which claimed to support an open public square with respect for religious values but refused to endorse separation of church and state, certainly the major underpinning of religious liberty. Its many flaws limited its effectiveness and were exposed by *Voice of Reason* in issues 25, 26 and 30, accessible on [arlinc.org](http://arlinc.org).

Guinness continues to use some of the same language, such as “civility in the public square,” something everyone would agree on, but is surely not a central selling point. Urging people to find ways of “living with our differences” is hardly earth-shattering.

In talks and interviews with evangelical organizations, Guinness leans to the right. A report from Ravi Zacharias International Ministries (RZIM) denounces “state-imposed multi-culturalism [which] has impinged on freedom of thought, conscience and religion of one group over another.” The group claims that “atheists support a ‘naked public square,’ where all religions are strictly excluded and religious voices are allowed no place in public life.” Guinness says the charter supports “the rights of religious believers, not beliefs,” but says nothing about dissenters who reject all forms of religious belief.

In an interview with *The Lausanne Global Conversation*, Guinness laments “a series of mounting violations of religious freedom in the West—health care mandates that violate conscience...”

To his credit, Guinness warns that “Christian organizations should remember that he who pays the piper calls the tune; so they must be careful when they ask for government money.” He adds, “The major reason for European secularity is the corruption and oppression of state churches in the past, a tragedy we have still not lived down. Equally, the sad and massive defection of young Christians from the faith in the U.S. currently is mostly due to the ugliness and unwisdom of the Christian right in the past generation.”

In sum, this “Charter” needs to be monitored carefully. ■

## **The Great School Voucher Fraud**

By Edd Doerr

ARL president Edd Doerr’s 23-page position paper explores in detail how the school voucher movement seriously threatens—

- Religious freedom
- Church-state separation
- Public education
- Community harmony

Doerr’s paper examines the 27 statewide referendum elections on this important issue.

Available online on ARL’s web site — [arlinc.org](http://arlinc.org) — or in print for \$10 from ARL, Box 6656, Silver Spring, MD 20916

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## “Seculars” Gain Influence Among Jews, Hispanics

Increasing numbers of Jewish Americans and Hispanic/Latino Americans are religiously unaffiliated or nonobservant. A Pew Research Center poll released in October found that Jewish secularity is rising. Michelle Boorstein, writing in *The Washington Post* on October 1 noted, “The percentage of Jews who identify as Jewish solely by culture or ancestry rather than religion has jumped from 7% to 22% since 2000, according to the poll, the first comprehensive survey of American Jews in more than a decade.” The overall Jewish percentage of the national population continues to decline, from 3% to 4% in the 1950s and 1960s to about 2% today.

As in other surveys, age plays a role in Jewish secularity, since 32% of Jews born after 1980 say they are Jewish only by culture (called “Jews of no religion” by academics), but only 7% of Jews born before 1927 identify themselves that way. The percentage who say they are not religious increases as age decreases, similar to poll results among the whole population.

Secular Jews are even more liberal in politics and Democratic in orientation than other Jews, though most Jews of all persuasions are Democrats, as well as being pro-choice and pro-marriage equality. One exception is the Orthodox community (10% of all Jews), who lean conservative and Republican. Non-Orthodox Jews favor the Democrats 70% to 22%, while Orthodox Jews support the GOP 57% to 36%.

Among Hispanics the percentage of religiously unaffiliated has risen from 5% to 12%. Reported in the Hispanic Values Survey con-

ducted by Public Religion Research, “the findings show a significant shift in the religious landscape of Hispanic Americans.” The percentage of Catholic identifiers has dropped from 69% to 53%. Evangelical Protestants have increased from 7% to 13%. About 12% are mainline Protestants. The rest belong to “other” or “non-Christian” faith traditions.

Secular Hispanics are liberal on most issues and identify strongly with Democrats, though Catholics are close behind. Only evangelicals lean Republican, though they are less Republican than white evangelicals. Robert P. Jones, the CEO of Public Religion Research Institute, explained the political implications of these trends. “The rise of religiously unaffiliated Hispanics is critically important for understanding the changing composition and political profile of Hispanics in America. Many pundits have argued that evangelical growth will lead to a conservative shift among Hispanics over time, but the rival emergence of religiously unaffiliated Hispanics, who are liberal on a range of issues, serves as an important counterweight.”

All Hispanics favor Democrats 50% to 15% for Republicans, while 24% say they are political independents. The remainder are undecided about their political preferences.

About 80% of religiously unaffiliated Hispanics support same-sex marriage, as do 62% of Catholics and 47% of mainline Protestants. Only 21% of evangelicals are supportive.

Nearly 69% of secular Latinos are pro-choice, compared to 47% of Catholics and mainline Protestants and 26% of evangelicals. ■

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### Government Prayer, *continued from page 1*

like this, it seems to make the problem worse rather than better.” Justices Anthony Kennedy and Stephen Breyer seemed to favor some kind of middle-road position.

A strong argument against the town’s position came from plaintiffs attorney Douglas Laycock, a University of Virginia law professor, who said the town’s practice coerced citizens into participating in a prayer against their will and made them feel like outsiders in a public political process.

Perhaps the biggest surprise was the Obama administration’s support for the town’s position. Solicitor General Donald B. Verrilli warned, in the government’s brief, that “this court has consistently disapproved of government interference in dictating the substance of prayers,” while avoiding the question of whether formalized prayers should have been initiated in the first place. (The government relied on the three-decade old *Marsh v. Chambers* ruling that upheld state legislative prayers.)

The administration’s decision to file a brief received withering criticism from Erwin Chemerinsky, dean of the University of California Irvine School Of Law, in the *Los Angeles Times* on November 5. Chemerinsky wrote “It’s an inexplicable move, and it’s one more befitting a Republican administration than one headed by a Democrat and a constitutional scholar.” He added, “Remarkably, the Obama administration has backtracked from the position taken by the Reagan administration. It now argues that even explicitly sectarian prayers are permissible. Congress and state legislatures have prayers, but they are supposed to be and usually are nondenominational, and they are

delivered to legislators rather than a captive audience of the broader citizenry assembled to do business before the board. Given the state of the law, the importance of religious inclusivity and the facts of this case, I assumed that if the Obama administration participated at all, it would side with the plaintiffs. But the administration did just the opposite. In fact, because this is a suit not involving the federal government it did not need to participate at all. It’s hard to fathom how the administration arrived at its conclusion, and I hope the Supreme Court will reject it.”

The case attracted considerable interest. Numerous amicus briefs were filed on both sides. One of the most powerful was that of the Baptist Joint Committee for Religious Liberty (BJC), which argued that the practice of government-endorsed prayer before local meetings “violates consciences and undermines voluntary religion.” The brief argued that the “practice of beginning a participatory local government meeting with a communal prayer infringes the liberty of conscience of not just religious minorities, but also of Christians who believe that worship should be voluntary.” The Baptist brief added that “prayer is an expression of voluntary religious devotion, not the business of the government.”

BJC general counsel K. Hollyn Hollman said, “By opening a local government meeting with an exercise of religious devotion, a political assembly is transformed into a religious congregation. It is because of—not in spite of—the importance of prayer and religion that we object to this government assumption of religious functions.”

This brief was joined by the General Synod of the United Church of Christ and the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.). ■



# Church and State in the Courts

The new Texas law restricting abortions received temporary approval on October 31 from the U.S. Court of Appeals for the Fifth Circuit. The three-judge panel unanimously overruled an injunction issued just three days previously by the U.S. District Court for the Western District of Texas. The lower court judge, Lee Yeakel, had held that the provision requiring doctors to obtain admitting privileges to a hospital within 30 miles of their clinic “does not bear a rational relationship to the legitimate right of the State in preserving and promoting fetal life or a woman’s health and, in any event, places a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus and is thus an undue burden to her.”

However, the appeals court disagreed, concluding: “There is a substantial likelihood that the state will prevail in its argument that Planned Parenthood failed to establish an undue burden on women seeking abortions or that the hospital-admitting-privileges requirement creates a substantial obstacle in the path of a woman seeking an abortion.”

The appeals court scheduled “oral arguments before a merits panel” for January on *Planned Parenthood v. Abbott*. Eleven abortion clinics and three physicians filed suit in September, charging that the newly-imposed requirements would effectively end all abortion services in a third of the state, including Fort Worth and five other cities. The U.S. Supreme Court allowed the restrictions to remain in effect until January, by a 5-4 vote on November 19.



The U.S. Supreme Court has declined to review a ruling by the Oklahoma Supreme Court that requiring women to undergo an ultrasound examination before obtaining an abortion was unconstitutional. This action on November 12 came only a week after the High Court opted not to review another Oklahoma Supreme Court decision that a major portion of that state’s abortion law is unconstitutional because it bans all drug-induced abortions.

These rather complicated and technical rulings suggest a strengthening of pro-choice sentiment. Nancy Northup, president of the Center for Reproductive Rights, which sued on behalf of Oklahomans opposed to the laws, praised the U.S. Supreme Court. “Today the U.S. Supreme Court has let stand another strong decision by the Oklahoma courts protecting a woman’s constitutional right to make her own decisions about whether to continue a pregnancy from the intrusion of politicians opposed to her rights and indifferent to her health.”



Arizona’s tax-credit program that directs public funds to private schools was held constitutional by the state Court of Appeals on October 1. The Arizona School Boards Association and other public school groups had challenged the law’s constitutionality, saying it violated the state constitution’s ban on public funds for religious schools. The program, designed by the Goldwater Institute, a conservative think tank, is now open to about 20% of public school students.



The U.S. Supreme Court declined to hear an appeal to a case involving religious invocations at a public middle school in New York. In that case, *A.M. v. Taconic Hills Central School District*, the U.S. Court of Appeals for the Second Circuit ruled in January 2013 that including a religious statement in a graduation exercise would result in “a reasonable observer’s perception that the speech was endorsed by the middle school.”



Refusing to give up, a Kansas anti-evolution group called Citizens for Objective Public Education filed suit in federal court in September to block the state’s new science standards. In June the Kansas state board of education approved guidelines that recommended teaching evolution and climate change as key scientific concepts. Kansas had joined 25 other states in adopting scientific standards developed by the National Research Council for public schools.



Now that the U.S. Supreme Court decided on November 26 to review the new federal health care law’s requirements for contraceptive insurance, it will resolve a national dilemma that has divided four appeals courts.

While supporters of the contraceptive mandate won two of the first three decisions, a fourth appeals court ruled November 1 in favor of the Catholic owners of two small food-processing corporations in Ohio. Judge Janice Rogers Brown, of the District of Columbia Court of Appeals, writing for a 2-1 majority, said of the owners, “They can either abide by the sacred tenets of their faith, pay a penalty of over \$14 million, and cripple the companies they have spent a lifetime building, or they become complicit in a great moral wrong.”

Other courts cited inherent religious discrimination against female employees in companies where employers are able to impose their religious convictions over insurance decisions.

Employers, religious and civil rights groups, state governments and the Obama administration all urged the High Court to intervene.

A particularly powerful plea came on October 21 when California Attorney General Kamala Harris, representing California and 10 other states, told the Court that access to contraceptives “is critical to the health of women and infants, women’s economic and social well-being, and women’s opportunities to participate fully in society.” *San Francisco Chronicle* staff writer Bob Egelko summed up the consequences: “If corporations can deny birth-control coverage because of executives’ religious views, California’s lawyers told the court in an October 21 filing, they could also withhold coverage for blood transfusions, end-of-life care, or medication with ingredients from cows or pigs – or ignore bans on religious or gender discrimination, child labor, and countless other laws that govern modern society.”



The federal government shutdown in October resulted in an unusual suit filed in U.S. District Court in Washington, D.C., on October 14. In that case, a Catholic priest who serves as a civilian contractor assisting at religious services on a naval base was told by authorities that “Catholic Mass will be suspended until further notice.” At the same time the Kings Bay Naval Submarine Base near St. Mary’s, Georgia, announced that “Protestant services will continue to be held in the base chapel Sundays at 1030 hours.” The ostensible reason for the discrepancy was that Protestant chaplains were still being paid by the government while furloughed assistants, including the priest, Ray Leonard, were not. Catholics on the base were told they could attend services at a local church 16 miles away, though many had no access to transportation.

The suit, *Leonard v. U.S. Department of Defense*, alleges a violation of the First Amendment’s religion clauses and of the Equal Protection Clause. The suit charged that the order cancelling Sunday services for the 300 Catholic families among the 10,000 people at the base also disrupted daily services, marriage preparation classes and baptisms.

The case points up the scarcity of Catholic chaplains in the armed services, which have come under increasing evangelical domination in recent years. While 20% of military personnel are Catholic, only 7% of chaplains serve the Catholic community. Other religions are also virtually unrepresented.



The Obama administration asked the U.S. Supreme Court to review a provision of the federal health care law that requires most employers to provide health insurance that includes birth control. The government’s petition, filed on September 19, asked the High Court to reverse a June decision from the Tenth U.S. Circuit Court of Appeals, which said that for-profit companies can assert religious freedom rights. The case involved an arts and crafts supply company, Hobby Lobby Stores, a group run by evangelical Christians opposed to “morning after” and other pills claimed to be abortifacents. The company, which has 500 stores in 40 states, provides other types of contraception to employees.

Solicitor General Donald Verrilli denied that the Religious Freedom Restoration Act applies in this case, as the company claimed. Verrilli said the law is not intended to be “a sword used to deny employees of for-profit commercial enterprises the benefits and protections of generally applicable laws.” The case is *Sebelius v. Hobby Lobby Stores, Inc.* However, the Third U.S. Circuit Court of Appeals ruled that the law applied to a Mennonite-owned company in Pennsylvania, Conestoga Wood Specialties. When appeals courts reach different conclusions, over the same issue, the Supreme Court often steps in to resolve the differences.



The new Supreme Court term “gives the court’s conservative bloc a clear opportunity to shift the law to the right on touchstone social issues such as abortion, contraception, and religion,” forecasts *Los Angeles Times* legal reporter David G. Savage. Savage added in a report published on October 6, “If the justices on the right agree among themselves, they could clear the way for exclusively Christian prayers at local government events.” The court is also considering buffer zones around abortion clinics in a Massachusetts case, *McCullen v. Coakley*, to

be heard in January. Anti-choice activists also hope the court will soon agree to hear cases from one of a dozen states that have passed bans on abortion after 20 weeks.



An atheist parolee was unfairly denied compensation after the state returned him to prison for refusing to participate in a religiously-oriented rehabilitation program. This decision on August 23 by a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit is considered significant, writes Kimberly Winston in Religion News Service: “In a move that could have wider implications, the appeals court also ordered a Sacramento district judge to consider preventing state officials from requiring parolees attend rehabilitation programs that are focused on God or a ‘higher power.’”

The parolee, Barry Hazle, was serving time for drug possession when, as a condition of his parole, he was required to participate in a 12-step program of rehabilitation. He asked for a secular-based alternative and was denied. After objecting to the religion-based program, he was sent back to prison for an additional 100 days.

Both the district court and the appeals court concluded that Hazle’s First Amendment rights had been violated. ■



## The Voucher Watch

- The District of Columbia school voucher program, which has received \$152 million in federal funds since 2004, is riddled with mismanagement and a lack of oversight, according to a report from the Government Accountability Office (GAO). The federal investigative agency found that the local agency that administers the program “does not effectively oversee participating schools, has not implemented effective policies and procedures and is unable to efficiently manage day-to-day program operations.”

GAO also found that the U.S. Department of Education has failed to monitor the program, and that some private schools that participate were almost entirely funded by it. *Washington Post* reporter Lyndsey Layton noted, “When Congress created the voucher program, it required that the schools be financially stable and sustainable. A school entirely dependent on the voucher program for income, for example, probably would not meet that standard.” That would include the Recta Porta International Christian Day School, all of whose students participate in the so-called “Opportunity Scholarship Program.” Another participating school is run by the Nation of Islam. Most of the private schools using the tax-funded vouchers are religion-based.

- A battle royal has broken out between the U.S. Department of Justice and House Republicans over the Louisiana voucher program. On August 22 the Justice Department sued Louisiana in federal court to block 2014-2015 vouchers for school systems that are under federal desegregation orders. The suit charged that vouchers “impeded the desegregation process” in 34 county, or parish, school systems. Twenty-two of those counties participate in the state school voucher program. About 570 students participated in the program last year. Federal analyses showed that racial imbalance increased in 34 schools in 13 of those counties.

*continued on page 8*

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## The Voucher Watch, *continued from page 7*

The financing mechanism of the voucher law was found unconstitutional by the state supreme court in May, but Republican Gov. Bobby Jindal “found about \$40 million in public money elsewhere to cover the 8,000 students enrolled statewide for the 2013-14 school year,” according to the *New Orleans Times-Picayune*. Elements of the program were also found unconstitutional in one county (Tangipahoa Parish) by Judge Ivan Lemelle in November 2012.

Voucher advocates pounced on the decision to file the suit, accusing the Obama administration of trying to keep poor African-American children in failing schools. The suit was denounced by *The Washington Post*, which long ago abandoned its opposition to private-school aid, and by the conservative *National Review*.

The administration issued a rather tepid, half-hearted response. A Justice Department spokesperson told the *Huffington Post*: “The United States is not seeking to end Louisiana’s voucher program. The United States seeks a straightforward goal: to ensure that the State of Louisiana implements its school voucher program in a manner that complies with the U.S. Constitution and long-standing federal desegregation orders.”

Three House Republican leaders, including Speaker John Boehner, asked Attorney General Eric Holder to reconsider the suit. House Majority Leader Eric Cantor (R-VA) threatened House action, in a speech before a charter school in Philadelphia on September 23: “If the attorney general does not withdraw this suit, then the United States House will act.”

Another protest letter was sent to Holder by Sen. Lamar Alexander (R-TN), the ranking Republican on the Senate Education Committee. Gov. Bobby Jindal and former Florida Gov. Jeb Bush decried the suit in news conferences and television ads.

- A Wisconsin state senate committee is considering a proposal that tax-funded voucher schools must report academic achievement data for their students, just as public and charter schools are required to do. The Associated Press reported on September 12: “Bill backers say the performance of voucher school students needs to be reported in the same way as public schools so taxpayers can see how their money is being spent...Under the proposal, every public, charter and voucher school would receive a score based on data collected during the 2014 academic year. The scores would be in five categories – reading and math, achievement and growth in those areas, college and career readiness, closing student achievement and graduation rate gaps,

and student engagement.”

Schools that underperform three years in a row could face serious consequences, including being removed from the voucher program. The bill’s sponsor is Republican Sen. Luther Olsen, chairman of the Senate Education Committee.

However, representatives of the Catholic Archdiocese of Milwaukee and the Wisconsin Council of Religious and Independent Schools have mounted a campaign against the bill, claiming “data reporting requirements would give a distorted view of a school’s performance.” Sue Nelson, associate superintendent of the Milwaukee archdiocese, even claimed it “would be too costly to administer the state-required exams.”

Senator Olsen is finding little support from fellow Republicans. AP concluded, “Republican legislative leaders have signaled that major changes will be needed. Olsen’s bill only had three co-sponsors when it was introduced, another sign it is unlikely to pass in its current form.”

Wisconsin added 25 schools and 500 students to the voucher program this year. Vouchers are worth \$7,856 for high school students and \$7,210 for grades K-8. The new schools are entirely faith-based: 18 Catholic, four Lutheran and three nondenominational Protestant. Contrary to claims that voucher schools would give lower-income public school students a “choice,” only 24% of applicants attended public schools last year, while 67% already attended private schools. State Rep. Sony Pope expressed dismay at the voucher expansion. “The voucher program is no longer providing the escape option from a failing public school; it has become a new state entitlement program that will cost taxpayers and directly compete with our constitutionally required public school system.”

- School voucher advocates in Tennessee have restarted their campaign to get a voucher program enacted in the Volunteer State. Reporter Joey Garrison wrote in *The Tennessean* on November 5: “Beacon Center of Tennessee and the Tennessee Federation for Children – which last year spent lavishly on state legislative candidates and waged an expensive voucher advertising blitz to no avail – are behind the campaign dubbed School Choice NOW.”

Last legislative session a voucher proposal that would have affected 5,000 students, ramping up to 20,000 by 2016, failed because of divisions between moderate and conservative Republicans. Republican Gov. Bill Haslam plans to reintroduce voucher legislation early next year in a legislature controlled by Republicans. ■

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## Updates

### Mixed Results for Charters, Vouchers

Voters in two Colorado counties supported school board candidates who favored expanding charter schools. Four school board members elected in Denver County and four in affluent, suburban Douglas County favored charter school expansion. In Douglas County the four winners favored continuation of a voucher program that has not yet been implemented because of legal challenges. (Vouchers won in one court and lost in another.) Statewide, Colorado voters trounced a proposed \$950 million tax increase to aid public schools by 66% to 34%. An unusual left/right coalition balked at the proposal. Conservative Douglas County voted 72% no, and liberal San Miguel County turned in a 59% no vote. The proposal, backed by million dollar contributions from Bill Gates and New York Mayor Michael Bloomberg, would have resulted in smaller class sizes and expanded

pre-school education. Teachers unions were on the losing side of all the Colorado elections.

In New York City, however, Mayor-elect Bill de Blasio wants to scale back on charter schools, which educate 7% of the city’s students. Outgoing Mayor Michael Bloomberg gave charters free classroom space, often at the expense of regular public schools. De Blasio wants to charge charters rent, according to their ability to pay. “Programs that can afford to pay rent should be paying rent,” he told radio station WNYC. De Blasio has also proposed a tax increase for pre-school and after-school programs in public schools, which needs state legislative approval. He has also promised to halt the school closings. Under Bloomberg 160 neighborhood schools were replaced by public charters that are privately managed with non-union teaching personnel.



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## Creationism in Public Schools

*Business Insider.com* reported on August 30 that “Teaching creationism in a public school—in a non-religious studies setting—may not only contribute to the spread of scientifically unproven information, but it may also hurt the students themselves.” The report said that “creationism and intelligent design continue to make their way into public school classrooms by introducing material suggesting that evolution is only a theory that can be critiqued and questioned.” The report also charges that “Bible classes often spread creationism under the guise of academic discussions of the Bible.” The National Academy of Sciences agrees with this assessment. It asserted, “Given the importance of science in all aspects of modern life, the science curriculum should not be undermined with nonscientific material. Teaching creationist ideas in science classes confuses what constitutes science and what does not. It compromises the objectives of public education and the goal of a high quality science education.”

## Abortion Clinics Closing at Record Rate

Baptist Press, which reflects the conservative orientation of the Southern Baptist headquarters in Nashville, reported in September that 44 U.S. abortion clinics had closed since January, compared to 25 in 2012 and 30 in 2011. Increasing regulation mandated by state legislatures is the primary reason for the closures, suggested Tom Strode, Washington bureau chief for Baptist Press. The Guttmacher Institute, a pro-choice research organization, commented ruefully that new state laws “are a solution in search of a problem, a cynical ploy to advance an agenda that seeks to make it more and more difficult for women to obtain an abortion, with the ultimate goal of eliminating U.S. women’s access to safe and legal abortion.”

## House Votes to Fund Religious Workers

The U.S. House of Representatives voted 400-1 on October 5 to support the continuation of religious services on property owned or maintained by the Defense Department during a lapse in government funding. *Military Times* explained, “There is no specific funding provided in the religious services resolution. Instead, it expresses the nonbinding sense of Congress urging the Defense Department to keep religious programs running.”

Chaplains continued to work during the government shutdown, but the Defense Department furloughed civilian workers and contractors who assist at religious services and programs. H. Con. Res. 58 was sponsored by Rep. Doug Collins (R-GA), who is a military chaplain.

The only no vote was cast by Rep. William Enyart (D-IL), a retired two-star general and former head of the Illinois National Guard, who called the resolution “phony and designed to do nothing but make people feel good.” Enyart was elected last year from Illinois’ 12<sup>th</sup> Congressional District in the southern part of the state. A member of the liberal United Church of Christ, he won only 53% of the district vote and has been criticized by local Republicans for his vote.

## Religious Smears Fail in Alabama

Alabama’s First Congressional District, centered in Mobile, is a Republican stronghold but a relatively moderate one by Deep South standards. Bradley Byrne, a moderate conservative backed by the party’s business wing, fought off a fierce challenge from Dean Young, a

favorite of the Tea Party and Religious Right, by 52.5% to 47.5% on November 5. (A runoff on December 17 is considered superfluous, since the Democrats haven’t won since 1966.)

Byrne was denounced as an evolution supporter and an enemy of Christianity by Young, a fundamentalist Baptist whose main supporter was Alabama Supreme Court Judge Roy Moore (of Ten Commandments fame). Religion-based attacks accelerated so much that Byrne, an Episcopalian, was forced to air a TV ad saying he believed “every word of the Bible was true.” His narrow triumph shows the Religious Right is still a force to be reckoned with in the Bible Belt.

## Religious Groups May Gain Influence in NYC

The election of Democrat Bill de Blasio as mayor of New York City may lead to more accommodation of religious groups. Though de Blasio is considered the most left-leaning candidate to win office in decades, and is personally nonreligious, he has indicated a willingness to support requests by religious groups for more access to public places.

In a pre-election interview with *The New York Times*, de Blasio said he favored adding two Muslim holidays to the public school calendar, supported reimbursement of special education funds for children in private schools and endorsed using public money to pay for safety officials at religious private schools. On the controversial question of allowing religious groups (mostly evangelical Protestants) to use public school gymnasiums and auditoriums for Sunday worship, he said, “There should be a single standard, regardless of whether they are secular or faith-based.” He also supported some modification of city regulations of circumcision rites among Orthodox Jews. (His unsuccessful Republican opponent, Joseph Lhota, agreed with these positions.)

*New York Times* reporter Javier Hernández, noted that the changes “would represent a shift in tone for New York, a city home to an array of religions, but often synonymous with secularism.”

## Judicial Watch

Judicial Watch, an ultraconservative lobby, filed a Freedom of Information Act suit against the Pentagon on September 10, seeking to discover “all communications” between the Department of Defense and the Military Religious Freedom Foundation (MRFF) regarding religious proselytizing by uniformed personnel in the Armed Forces.

Judicial Watch claimed that MRFF and the Obama administration have conspired to limit religious expression in the armed services. MRFF has vigorously opposed attempts by fundamentalist groups to impose their views on military personnel and to seek a privileged status for conservative Protestants. The Pentagon has increasingly agreed with their position and has limited overt expressions of religion that threaten religious pluralism.

## Medical Treatment Clashes with Religion

When Amish parents removed their ten-year-old daughter from chemotherapy at an Akron, Ohio, hospital in June, the issue became one of medical care versus religious belief. David Templeton noted in the *Pittsburgh Post-Gazette* (August 27), “When the religious beliefs of parents conflict with the medical needs of the child, medical care trumps religion. In Pennsylvania, and most other states, the law allows health and government officials to get court approval to provide medical care

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## Updates, continued from page 9

to save a child's life over the parents' religious objections." But many states also have religious exemption laws on the books and are reluctant to prosecute parents whose deeply-held religious convictions oppose medical intervention. As a result, the Massachusetts Citizens for Children reports that more than 60 children have died nationwide since the 1970s, after parents refused to provide medical care for religious reasons.

### Pro-Choice Wins in Albuquerque

Albuquerque voters rejected a proposed ban on abortion at 20 weeks in a November 19 referendum. New Mexico's largest city would have become the first city in the country to approve a ban at this period, but voters said no 55% to 45%.

## International Updates

**Cairo:** Religion continues to dominate political discussions in Egypt. The Christian minority is worried that its already precarious position is increasingly threatened, while Muslims remain divided over religion's role in government and law. *Los Angeles Times* writer Laura King reported on October 4, "Religious fault lines are likely to be on fresh display as a 50-member committee comes down to crunch time in drafting a new constitution. Some of the fieriest wrangling has come over wording regarding the role of Islamic law in guiding the country."

**Edinburgh:** Scotland is moving toward approval of same-sex marriage. England and Wales have already done so, but Scotland's semi-autonomous parliament must approve the action. (Scotland's parliament is given jurisdiction over many matters, including education.) The equal opportunities committee heard testimony on the Marriage and Civil Partnership (Scotland) Bill in early November, and the entire parliament may vote on the proposal by the end of November. Scott Macnab observed in *The Scotsman* on November 13: "The first same-sex marriages are likely to be held in Scotland in 2015 if the new law is passed. It already has the support of the Scottish Government and a majority of MSPs have indicated they will back it." (MSP means Member of the Scottish Parliament.)

One snag may be the religious conscience question. The proposed bill says that churches must opt in before conducting gay marriage, but individual ministers may not be able to refuse performing these ceremonies. The Church of Scotland has announced that it may stop conducting weddings altogether if the proposal becomes law. The courts may eventually settle controversies arising from the law if it is approved.

### Back Issues of *Voice of Reason*

Since 1982 Americans for Religious Liberty has published 125 issues of its journal, the *Voice of Reason*. All of these issues are now available in downloadable PDF format at our website, [www.arlinc.org](http://www.arlinc.org).

If for any reason you should need an original printed version, these are also available from Americans for Religious Liberty at:

ARL, PO Box 6656, Silver Spring, MD 20916

**Istanbul:** After a 90-year ban, Turkey will now allow head scarves to be worn by women in state institutions. The new law went into effect on October 8 but does not apply to the military or judiciary. The ban was part of Turkey's transition from an Islamic caliphate to a secular republic during the 1920s. Critics say this is just another example of the nation's Islamization under Prime Minister Recep Tayyip Erdogan.

**Kuala Lumpur:** A Malaysian court ruled in October that the word "Allah" cannot be used by non-Muslims. This decision overturned a previous ruling that allowed a Malay-language Catholic newspaper to use the Arabic word for God. The newspaper said it would appeal the ruling to a higher court. Reuters correspondent Stuart Grudgings wrote, "Commentators in some countries that practice Islam more strictly than Malaysia have condemned the ruling, arguing that the word Allah has been used by different faiths for centuries. Christians in Malaysia's eastern states of Sabah and Sarawak have used the word for generations, as have Christians in the Middle East."

Criticism of the ruling was widespread among Muslim scholars. A Pakistani newspaper, *Dawn*, commented that the decision was a "sad reflection on how an otherwise modern country, widely seen as a role model for the Muslim world, is succumbing to the current trend of insularity in matters of faith."

**Madrid:** Most Spanish Catholics want to end the special privileges granted to their church by the government. A survey commissioned by the Spanish news magazine *El País* found strong support for reforms in the church and in the relationships between church and state. *El País* commented, "For example, the Metroscopia poll shows that 76% of Spaniards want to revoke the privileges outlined in the agreements made with the Holy See following the death of General Franco almost four decades ago. Despite the Spanish Constitution making it clear that Spain is a secular state, the Church is exempted from paying sales or property tax, while the state pays the wages of 3,000 religious education teachers, and the Catholic catechism is still taught in public schools."

The poll revealed that a majority of Catholics, practicing or not, supported same-sex marriage and adoption by same-sex couples. Almost 90% of Catholics want to speed up the divorce process and favor birth control. Even abortion, which is permitted for any reason up to 14 weeks, is endorsed by 53% of practicing Catholics and 58% of those who rarely attend church. *El País* also noted, "There was near universal support among those surveyed for a nationwide, in-depth investigation into accusations of child abuse within the Church."

About 70% of Spaniards call themselves Catholic but only 17% regularly attend Mass.

**Montreal:** Historically Catholic but now secular Quebec faces controversy over religious symbols on public property. Quebec's provincial government, led by the nationalist Parti Québécois, introduced legislation on November 7 banning "conspicuous" religious symbols in public buildings or by public employees. The proposal apparently includes removal of the crucifix from the legislature, which had been considered an "item of cultural heritage." The law would apply to those who work in public institutions, including schools and hospitals, with a one-year transition period.

Two Quebec government officials defended the proposed law in a letter to *The New York Times* on November 19, claiming it would "enshrine into law Jefferson's 'wall of separation between church and state.'"

Not everyone sees it that way since the proposal has sharply divided secular and religious opinion. It is opposed by all national parties, the Conservatives, the Liberals, and the left-of-center New Democratic Party, which swept Quebec in the last federal election. The Associated Press reported, "The Parti Québécois does not have a majority in the provincial legislature and faces an uphill battle to get the law

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passed. Canadian Prime Minister Stephen Harper's conservative government opposes the initiative and has warned it could launch a legal challenge against it if it does pass."

Polls are closely divided in the province, and AP reported, "support is higher outside metropolitan Montreal." *The Economist* (September 14) suggested that "religious issues have become a political football...creating a false crisis to avoid talking about the sluggish Quebec economy."

**Nis, Serbia:** Eastern Orthodox leaders commemorated the 1700<sup>th</sup> anniversary of the Edict of Milan, which ended the persecution of Christianity (and eventually led to the establishment of Christianity as the state religion of the Roman Empire). The small city of Nis, 125 miles south of Belgrade, was selected for the October 6 ceremony because it is the birthplace of Emperor Constantine the Great, who proclaimed the Edict of Toleration in 313 C.E.

Ecumenical Patriarch Bartholomew called for greater religious freedom worldwide and called for the release of Syriac and Greek Orthodox archbishops who were abducted in Syria in April. Bartholomew was joined by Orthodox patriarchs from Jerusalem, Russia, Serbia, Albania, Cyprus, Poland and Slovakia. Reuters correspondent Fedja Grulovic noted the political significance of the event: "The celebration in Nis underscored the close ties between the Serbian Orthodox Church

and its much larger Russian counterpart. Russia is a traditional ally of Serbia, and the Kremlin has backed Serbia's refusal to recognize Kosovo, its former southern province populated mainly by ethnic Albanians, which declared independence in 2008."

**Tunis:** Islamic extremism now threatens the stability of Tunisia, according to Tom Heneghan, religion editor of Reuters, who writes, "In the past two years radical Muslims seized control of about a fifth of all mosques, attacked westernized liberals and tried to impose their puritan ideas on one of the most secular Arab societies. These actions have weakened the ruling Ennahda Party, a moderate Islamic group which won the 2011 election, the first democratic election in the North African country's history.

The nation's mosques are normally managed by the Religious Affairs Ministry, but radical Salafists, with ties to foreign imams, have pushed for sharia and other religiously-inspired laws. Heneghan added, "Violent Salafi groups rioted over an art show they deemed blasphemous, demonstrated at Manouba University to demand that women students wear full face veils and patrolled some districts to pressure residents into following their puritan Islam." Two assassinations of secular politicians this year were seen as the work of militant Islamists. The ruling Ennahda Party's "ambiguous religious policies stem from its own internal conflicts," he reported on September 3. ■



## Books and Culture

***No Establishment of Religion: America's Original Contribution to Religious Liberty***, edited by T. Jeremy Gunn and John Witte Jr. Oxford University Press, 2012, 415 pp. Paper, \$35.00.

With religious liberty and church-state separation under serious and increasing attack in recent decades, particularly the drives to divert public funds to religious schools and to weaken women's rights of conscience on reproductive matters, this readable, concise, important book is timely and most welcome. In it, fourteen legal scholars and historians spell out how the "no establishment of religion" principle evolved from the work of Roger Williams in 17<sup>th</sup> century Rhode Island, through that of Jefferson and Madison in Virginia in the 1780s, to its general acceptance by the Constitution's authors and the first Congress (which wrote the Bill of Rights), through its complicated acceptance by all states by 1833, and on to the Supreme Court's vital 1947 *Everson* ruling that nailed down the First Amendment's establishment clause as made applicable to state and local government by the 14<sup>th</sup> Amendment.

The best sections of the book are by Jeremy Gunn (a member of ARL's board of directors), Derek Davis, Steven Green and David Little. The weakest is by Thomas Berg, who seems to like the Supreme Court's unfortunate 2002 *Zelman v Simmons-Harris* ruling upholding Ohio's school voucher plan.

Particularly important is Gunn's chapter on the history of the widespread acceptance of the establishment clause. He especially criticizes Philip Hamburger's 2002 book *Separation of Church and State*, which tried to tie support for separation to 19<sup>th</sup> century anti-Catholicism. (I severely criticized the Hamburger book in my review in *VOR* No. 80, accessible on ARL's web site, [arllinc.org](http://arllinc.org).) Gunn quotes such eminent 19<sup>th</sup> century Catholic writers as Tocqueville and Agenor de Gasparin and Catholic publications, and 20<sup>th</sup> century writers such as Father Edward McClynn and Matthew Page Andrews, as strongly supportive of the separation principle, even though the Vatican officially deprecated it.

The diverse authors make it clear that from the time of Jefferson and Madison the separation principle was favored and supported across the religious spectrum, from conservative Christians to Jeffersonian deists, and that the development of separation has been both steady and sometimes bumpy but always leaning forward. This forward movement has been undermined, however, by many recent Supreme Court decisions.

Our country is not out of the woods by a long shot, but this book, like the work of Leo Pfeffer, is a valuable contribution to the endless struggle to promote religious freedom for all.

—Edd Doerr

***Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools***, by Diane Ravitch. Alfred A. Knopf, 2013, 396 pp., \$27.95.

Education historian Diane Ravitch leaves no stone unturned in her spirited critique of schemes that will inevitably undermine public education – one of the last lines of defense of democratic values in our changing society.

Ravitch, author of the 2010 book, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education*, marshals her evidence in well documented detail in *Reign of Error*, which may well be the most important single book on education in decades.

She shows how the pseudo-reformers are wrongly portraying our schools as "failing" when the reality is that they have been making steady progress, despite being inadequately and inequitably funded and despite years of incessant conservative sniping. (The book has 41 charts of National Assessment of Educational Progress data in the appendix.) She shows clearly how the mania for testing undermines

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## Books and Culture, *continued from page 11*

education and forces schools to neglect science, history, civics, the arts and languages in order to concentrate on preparing students for endless tests; how charter schools and virtual or cyber schooling are over-rated; how wholesale closing of public schools (viz. New York, Chicago, etc.) damages community cohesion and stability. Another strong point is her identification of the powerful and well-financed groups undermining public schools.

Ravitch does not just expose what is wrong with the pseudo-reformers and privatizers, she offers common sense, reasonable, tested ideas for improving public education, particularly in economically disadvantaged areas. These include: serious efforts to alleviate the poverty affecting 25% of American kids; prenatal care for all pregnant women; high quality early childhood education for all kids; enriched curricula in all schools; lower class sizes (note that the private schools patronized by the wealthy all have small class sizes); revamping charter schools to their original purpose as locally run community schools run by professional teachers working with, not against, local regular public schools; a full range of medical and social wraparound services; elimination of high-stakes standardized tests; upgrading the teaching profession (as in Finland); and maintaining localized democratic control of public schools.

A more rigorous analysis and criticism of vouchers and tax credits would have further strengthened an already superb book.

This book needs to be read—by every teacher, every administrator, every parent, every citizen (liberal, conservative, moderate, whatever) who cares about the future of our country and our children, 90% of whom receive their education in public schools.

—Edd Doerr

***Educational Delusions? Why Choice Can Deepen Inequality and How to Make Schools Fair***, by Gary Orfield, Erica Frankenberg and associates. University of California Press, 2013, 317 pp., \$29.95.

“Choice” is the mantra chanted endlessly by the pseudo-reformer promoters of school vouchers, tax credits (tax-code vouchers) and charter schools. In the real world, however, the evidence, amassed in this important new book by education researchers and scholars, shows not only that neither vouchers nor charters have actually on balance improved education but have increased racial and socioeconomic segregation while diverting resources from already underfunded regular public schools. The one form of school choice that has actually improved school performance and reduced segregation, magnet schools, has lost political support and been allowed to weaken its desegregating function. The authors score both the Bush II and Obama administrations for pushing charters rather than tested, proven reforms, and for neglecting civil rights in the charter movement. They also criticize the Supreme Court for pulling back from civil rights concerns in recent decades, thanks, of course, to Republican appointments.

The authors criticize the use of market theory to promote charters. While market theory might work for producing and selling widgets, it does not work in the vastly more complicated world of educating fifty million kids. They note that vouchers were originally used as a device for thwarting racial desegregation after *Brown v Board of Education* in

1954, but fall a bit short in discussing the church-led drive to get public funding for religious private schools that led to the 27 impressive 1966-2012 state referendum defeats of vouchers and their variants.

This book was in press before the June 2013 release of the Stanford University CREDO study showing that three-fourths of charter schools are either worse or no better than regular public schools, despite their considerable selective advantage.

*Educational Delusions* ranks with Diane Ravitch's *Reign of Error* and the Fabricant/Fine book *Charter Schools and the Corporate Makeover of Public Education* as among the most important books on education in many years.

—Edd Doerr

***Pope Francis: Untying the Knots***, by Paul Vallely. Bloomsbury, 2013, 227 pp., \$20.95 paper.

This biography of the first Jesuit and first Latin American pope is even-handed and comprehensive. The former Cardinal Jorge Mario Bergoglio of Buenos Aires was once a cautious conservative cleric who failed to oppose Argentina's 1976-83 military dictatorship as forcefully as he could or should have. The author concludes, however, that Bergoglio “did much to protect the victims of the military junta violence,” but “diligent examination of Bergoglio's conduct leaves unanswered questions.” Vallely castigates the Argentinian Church for “the shocking extent to which it endorsed and colluded in the systems set up by the military junta.” Francis' views have changed dramatically since then, embracing a kind of progressive social justice tradition dedicated to the poor and marginalized.

The author does not speculate whether Francis will change church policy on celibacy, birth control, abortion, divorce or the ordination of women. But he predicts that Francis will be “a man to change history” and “a pope of surprises.” This “Pope of Paradox” is “a doctrinal traditionalist but an ecclesiastical reformer. He is a radical but not a liberal. He seeks to empower others and yet retains a streak of authoritarianism. He is a conservative yet was on the far left of his nation's reactionary Bishops' Conference. He combines religious simplicity with political guile. He is progressive and open, yet austere and severe.”

The pope's recent statements about gays and atheists, which appear to be respectful and conciliatory, may signal a more positive papacy, though symbolic gestures must be followed by concrete policy changes.

Francis is clearly a supporter of ecumenism and an admirer and friend of Judaism, maintaining close contacts with the Jewish and Protestant communities in Argentina. He has a fan in the eminent Catholic scholar Hans Küng, who argued in a recently published book in England (*Can We Save the Catholic Church?*), that “Pope Francis is bent on carrying through a thorough reform of the Roman Catholic Church” and “will effect a radical cure of a church otherwise threatened by terminal morbidity.”

The author has done a first-rate job in trying to connect the dots in the life and thought of a complex man holding an influential office.

—Al Menendez

### Moving?

Please send a change of address form to: Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916.

***The Global Public Square: Religious Freedom and the Making of a World Safe for Diversity***, by Os Guinness. IVP Books, 2013, 240 pp., \$16.00.

This is a curious book. On the one hand, it is a strong defense of religious liberty and freedom of conscience and wholeheartedly en-

dorses the inadequately appreciated 1948 UN Universal Declaration of Human Rights (drawn significantly from the U.S. Declaration of Independence and Bill of Rights). It also proposes a praiseworthy “Global Charter of Conscience”, which was first introduced in Brussels at the European Parliament in mid-2012, though it fails to mention who prepared it and who or which organizations have endorsed it.

On the other hand, the book inexplicably fails to even list the major challenges facing freedom of religion and conscience in the U.S. today. No mention of the fierce campaigns to limit women’s religious freedom and rights of conscience on reproductive matters or to undermine public education through the diversion of public funds through vouchers or tax credits to sectarian or ideology-oriented private schools. No mention of the invasion of public schools by fundamentalist proselytizers or the efforts to dilute science teaching by creationists or fundamentalist climate-change deniers. No mention of Religious Right intrusions into politics. The author tilts in the direction of religious conservatives and shows a certain distaste for the American-pioneered principle of separation of church and state.

That said, the author, after 199 pages of repetition and pretentious evasion of concrete issues facing the U.S. and other countries today, does spend a dozen pages correctly and eloquently urging that mainstream religious and secularist leaders cooperate in efforts to advance freedom of religion and conscience worldwide, with which I agree.

Guinness, an Oxford educated sociologist, was the main architect of the 1988 Williamsburg Charter and the 1989 curriculum for teaching about religious freedom in public schools. For my analyses of these, see “The Williamsburg Charter: Fatally Flawed” (ARL journal No. 25, Spring 1988), “The Williamsburg Poll” (No. 26, Fall 1988), and “Teaching Religious Liberty—The Wrong Way” (No. 30, Summer 1989), accessible on line at our web site, arlinc.org.

—Edd Doerr

**Dallas 1963**, by Bill Minutaglio and Steven L. Davis. Twelve Books, 2013, 371 pp., \$28.00.

Dallas was a cauldron of bigotry, ignorance and fear in the early 1960s. A strange amalgam of militarism, racism and religious bigotry, financed by corporate interests, created a highly unfavorable environment for the presidential candidacy and subsequent presidency of Senator John F. Kennedy.

As these authors ably demonstrate, the extremism was orchestrated by crackpot generals and a powerful preacher, Rev. W.A. Criswell, the senior minister of the First Baptist Church, the city’s largest ecclesiastical enterprise. This powerful congregation became the epicenter of the anti-Kennedy campaign, beginning in July when Criswell preached his now-famous sermon warning that JFK’s election would lead to the death of religious freedom. The *Dallas Morning News*, for which one author once worked, endorsed Nixon on religious grounds and repeatedly slanted and distorted the news of the 1960 campaign.

The authors reveal that Richard Nixon met privately with Rev. Criswell on the same day that Kennedy delivered his Houston address on church-state issues, planning a surreptitious campaign of religious smears. Two of Criswell’s church members, oil tycoon H.L. Hunt and insurance magnate Carr Collins, “arranged to have tens of thousands of copies of Criswell’s anti-Kennedy sermon reprinted and quickly mailed to Protestant ministers across the country.” Collins met with Nixon at the vice president’s office in Washington on July 16, 1960, planning radio time for “Texans for Nixon,” which stressed the religious issue.

After Kennedy’s victory, the Radical Right in Texas (and elsewhere)

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bitterly attacked Kennedy’s domestic and foreign policies. Their supporters mobbed U.N. Ambassador Adlai Stevenson a month before Kennedy’s scheduled Dallas visit and splashed “Wanted for Treason” flyers across the city to greet the president. This flyer accused Kennedy, among other alleged “treasonous activities,” of “consistently (sic) appointing anti-Christians to federal office and upholding the Supreme Court in its anti-Christian rulings.”

This exciting but depressing rehash of tragic events is valuable because it challenges those who would rewrite and distort history. The sad thing is that the heirs and successors of yesterday’s extremists and fanatics are still very much with us.

—Al Menendez

**The Kennedy Half Century: The Presidency, Assassination, and Lasting Legacy of John F. Kennedy**, by Larry J. Sabato. Bloomsbury, 2013, 603 pp., \$30.00.

Why is JFK so revered a full half century after that dark day in Dallas? This book attempts to explain this and is based largely on a Hart Associates Poll, in which Americans were asked to rate presidents from Eisenhower through Clinton. Kennedy won hands down, with Reagan, Eisenhower and Clinton vying for second place. Nixon was dead last.

The author looks at Kennedy’s lasting legacy partly in terms of how often subsequent presidents made public references to his speeches and policies. Bill Clinton is the clear winner here, with Lyndon Johnson second.

The poll found that 46% of Americans knew that “As the first Catholic President, JFK spoke about the importance of the separation of church and state,” but only 17% considered this one of his greatest accomplishments.

In a book as comprehensive and massively documented as this, with over 150 pages of references and footnotes, one might have hoped for more attention to the religious issues in the 1960 campaign, the massive residue of religious bigotry in the voting results uncovered by scholars and election analysts at the University of Michigan and elsewhere, and decisions made on church-state issues during his presidency.

The author’s obsession with JFK’s alleged infidelity occupies too much space in the book, especially since the Hart Poll found that two thirds of Americans thought the issue irrelevant or unimportant to their evaluation of his presidential decisions.

Sabato’s overall evaluation: “The truly enduring legacy for the public is the stirring idealism and the call to public service that Kennedy and his New Frontiersmen embodied....The American people’s idealization of John Kennedy, their determination to overlook his obvious flaws, and successive presidents’ use of the Kennedy record for their own ends have been the sparks that have repeatedly reignited JFK’s influence.”

—Al Menendez  
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## Books and Culture, *continued from page 13*

*Menendez is the author of two books on JFK: John F. Kennedy: Catholic and Humanist (Prometheus, 1979) and The Religious Factor in the 1960 Presidential Election (McFarland, 2011).*

***The Catholic Labyrinth: Power, Apathy, and a Passion for Reform in the American Church***, by Peter McDonough. Oxford University Press, 2013, 389 pp., \$29.95.

This study of the past half century of U.S. Catholicism largely addresses the question of why the progressive reform groups, which stress gender parity, acceptance of cultural change, and a more transparent, decentralized government, have lost ground to the “neoconservatives,” who have tightened their grip on the institutional church.

At first it seemed as if reform was inevitable, which would affect the church and its relationship to society. “By dethroning the union of church and state, Vatican II jettisoned an archaic rhetoric that had fueled decades of anti-Catholicism.” But conservatives sensed a backlash against the 1960s-era. “Catholic conservatives are apt to spend as much energy attacking the evils ascribed to society at large as they are defending their religion from dissidents within.” In addition, “Reform movements of whatever stripe confront an organizational vacuum as much as outright opposition from steadfast conservatives.” There is also a kind of “passivity” and “deference” among Catholics regarding the institutional church, which many now ignore. “Low participation favors the status quo. For many adherents, Catholicism remains a spectator rather than a participant religion.”

The progressive Catholic vision has dimmed. “Deference lingers along with dissent, modulated by cynicism and apathy. Many progressives, their ranks aging, their expectations dashed at the trenchment following Vatican II, feel defeated.”

Liberal Catholics have largely given up the fight. Conservative or “neoconservative” Catholics have generally triumphed, particularly in the Vatican and in the national hierarchies. But average or nominal Catholics don’t care who wins the intramural church politics game because they live their lives in accordance with their own consciences, their own ideals and principles, some of which are informed by religion and some are not. As a consequence of these countervailing trends, “the future is unclear.”

The outcome of this internal struggle within the nation’s largest church could affect some public policies, including immigration, education and a broad range of social justice and health issues. That’s why it matters to the broader society.

—Al Menendez

***Why the Catholic Church Must Change***, by Margaret Nutting Ralph. Rowman & Littlefield Publishers, Inc., 2013, 209 pp., \$34.00.

A Catholic theologian and Bible scholar calls for thoroughgoing reform in the Catholic Church. She urges “conversation and possible change” in order to “reclaim credibility.”

She tackles natural law, women’s ordination, civil rights for gays, contraception, marriage and annulments, and abortion. On abortion and personhood she argues, “No biblical author addresses the question of when a person becomes a person. Scripture does not tell us when a person becomes a person. The Catholic Church undercuts the credibility of its teaching if it states with certitude that which is beyond anyone’s knowledge.”

Ralph is disturbed that “obedience is stressed more than truth speaking at every level of the institution” and that “protecting the

authority and reputation of the institution” is the top priority of the leadership.

She endorses greater emphasis on individual conscience, tolerance in “truth seeking,” and the possibility of “incorporating scientific knowledge into Catholic Church teaching.”

This stimulating book deserves an audience, but it will probably not be read by those who should read it, namely those who make the decisions about policy.

—Al Menendez

***The Gamble: Choice and Chance in the 2012 Presidential Election***, by John Sides and Lynn Vavreck. Princeton University Press, 2013, 331 pp., \$29.95.

A book for election buffs (psephologists, to you insiders) and statisticians, *The Gamble* stresses factual data and hard numbers. Rejecting theories of “realignment,” the authors believe that “predictability and stability” characterize the electorate over the past few elections. “Obama’s victory was consistent with the underlying economic fundamentals.”

Their analysis of data convinces them that race is still an important predictor of presidential choice and that Democrats should not rely on projected demographic change alone in looking toward 2016.

Some may disagree with their assertion that “the public has grown more conservative, not more liberal, during Obama’s presidency, excepting issues like same-sex marriage where there are broader secular trends afoot.”

The authors, both political scientists, downplayed the religious factors in the 2012 voting, except in a small section devoted to the impact of Mormonism. They conclude that Romney’s Mormon religion had little effect on the outcome, largely because the voters most critical of or unlikely to support a Mormon candidate, i.e., the evangelicals, ended up supporting him overwhelmingly anyway. It would have been interesting to see the authors’ take on why Jewish and secular voters gave Romney 5%-10% greater support than McCain, and why Catholic voters are always near the national average as the classic barometer in presidential elections.

—Al Menendez

***Christianophobia: A Faith Under Attack***, by Rupert Shortt. William B. Eerdmans Publishing Company, 2013, 298 pp., \$26.00.

This overview of anti-Christian persecutions today concentrates on a dozen countries in the Middle East (Iraq, Iran, Turkey), Africa (Egypt, Nigeria), and Asia (Pakistan, Indonesia, India, Burma, China, Vietnam and North Korea). Official government repression is largely responsible and is often buttressed by Islamist, Hindu or Buddhist extremism on the ground. Restrictive measures affect the legal and educational systems, making religious discrimination more deeply embedded in the culture.

Additional chapters consider repression in Cuba, Venezuela, Sri Lanka, Belarus, Laos and Sudan, as well as the “Holy Land,” where Christianity is fast declining.

The author, religion editor of *The Times Literary Supplement* in London, admits that religions other than Christianity are repressed, but argues that “the greatest curbs on religious freedoms take place in Muslim-majority countries.” He also suggests that “government enmity towards Christians increases in proportion to their involvement in social and political activism,” particularly in Belarus.

This survey will appeal to human rights advocates and to those who monitor the often sharp-edged conflicts between religion and government.

—Al Menendez

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***The Reluctant Republican: My Fight for the Moderate Majority***, by Barbara F. Olschner. University Press of Florida, 2013, 144 pp., \$24.95.

Retired lawyer Barbara Olschner tells what it was like to run for Congress as a moderate Republican in the deep red 2<sup>nd</sup> Congressional District of Florida, located in the Panhandle. She ran dead last—fifth among five candidates—in the 2010 Republican primary, receiving 8% of the vote.

Republican primary voters, she discovered, are not interested in rational or pragmatic solutions to problems. They are devoted to ideology coupled with simplistic nostrums. They repudiate “moderation, tolerance, civility, and evidence-based decisions.”

When it comes to religion, hard-right fundamentalism is the only acceptable viewpoint. “There is no authority in our Constitution to legislate religious beliefs; in fact, the opposite is true, despite the assertions of the Religious Right. Even the New Testament indicates support for separation of church and state. Although I am personally a social conservative in line with Christian doctrine, I can—and do—distinguish between my personal preferences, my religious beliefs, and the responsibility of government.”

She warns that Americans of moderate sensibilities must be “willing to take action to pull America back from the cliff of intolerance and polarization.”

While these issues have been explored by political scientists and national political figures for years, this is an earnest account from an everyday citizen who got steamrolled by the zealots who now control the Republican Party in many, if not most, states.

—Al Menendez

*"So, let us not be blind to our differences—but let us also direct our attention to our common interests and to means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this planet. We all breathe the same air. We all cherish our children's future. And we are all mortal."*

— President John F. Kennedy, Commencement Address at American University, June, 1963.

## Commentary

### Private Schools Are Different

Montgomery County, Maryland, is one of the nation's premier suburbs, one of the ten wealthiest and best educated U.S. counties. Located just north of Washington, D.C., the county, named for a Revolutionary War general, attracts many employees of government and research and development organizations. (It is also the home base of ARL.) It is noted for its excellent public schools (average annual per pupil spending is \$13,607), and for a thriving network of private schools. These private schools receive much free publicity in directories published in the local Gazette newspapers and in *Washingtonian* magazine. Browsing through this year's issue, I was struck by the high tuition costs and by the religious orientation of many, if not

most, of the schools. The following is a brief survey and overview based on data from 110 schools.

The religious permeation is strong, as in these examples:

- Montrose Christian School “provides Christ-centered education for the glory of the Savior and the good of society.”
- The B'nai Israel School in Rockville provides a “warm, nurturing Jewish-oriented environment in which children grow and thrive Jewishly.” The school is affiliated with The United Synagogue of Conservative Judaism.
- Covenant Life School believes in “Educating students who will think biblically and live passionately for Christ.”
- Hampshire View Christian School provides a “distinctively Christian education.”
- Living Grace Christian School emphasizes “a godly character train-

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**Commentary,** *continued from p. 15*

ing program” which “advances the cause of Christ and makes disciples of all nations.”

- Melvin J. Brennan Hebrew Academy advertises “strong Israel studies and Zionist philosophy” and notes that “more than 75% of graduating seniors study for a year in Israel before college.”

- Muslim Community School presents “an educational philosophy that is deeply rooted in the Quran.”

- St. Andrew’s Episcopal School provides “an inclusive environment that embodies the faith of the Episcopal Church.”

- Sandy Spring Friends School has a “curriculum based on Quaker values.”

- Mary of Nazareth Catholic School emphasizes a program “rooted in the faith and teachings of the Roman Catholic Church, as professed in the Creed, celebrated in the sacraments, lived in Christian virtue and affirmed in prayer.”

- Fourth Presbyterian School maintains “a Christ-centered education.”

- Church of the Redeemer Christian School employs a curriculum with “a solid basis in the Bible.”

- The Yeshiva of Greater Washington, which maintains separate girls and boys schools, “inspires students to a lifelong commitment to Torah observance and spiritual growth.”

Some schools charge more tuition for families who are not members of the local congregation or parish. The John Nevins Andrews Seventh-day Adventist School charges \$435 per month for church members, \$665 for Adventists in other parishes, and \$800 for those

of “other faiths.” The Holy Cross School charges \$7,689 for Catholics and \$8,889 for non-Catholics. Mary of Nazareth Catholic School charges \$6,175 for those in the local diocese of Washington, D.C., and \$7,175 for students residing in other dioceses. Similar tuition differentials occur at several other Adventist and Catholic schools. (Note that Catholic “parochial” elementary schools average \$7,401 per year which is much lower than Catholic “private” schools run by religious orders or laymen.)

The tuitions charged at many of these schools will limit enrollment to the very privileged. Sidwell Friends School, a Quaker-affiliated academy in Washington, D.C., attended by the children of Presidents Obama and Clinton, maintains a branch in Bethesda which charges \$34,288 tuition for grades K-4. Washington Episcopal School costs \$30,135 for grades 1-8. St. Andrew’s Episcopal School in Potomac charges \$35,990 for its upper school students. Six secular private schools charge tuition in excess of \$30,000 for the upper school.

As Table 1 shows, the average annual tuition for Montgomery County private schools rivals that of some colleges.

**Montgomery County Private Schools - Average Tuition Costs 2013-2014**

<i>Affiliation</i>	<i>\$ High School</i>	<i>\$ Middle School</i>	<i>\$ Elementary School</i>
Episcopal	35,990	24,724	22,881
Quaker	29,200	23,800	27,094
Secular	28,054	24,468	20,829
Catholic	23,497	20,565	17,530
Jewish	21,991	19,950	16,493
Protestant/ Evangelical	14,371	10,481	9,471

**Charter Debate Continues**

Bill Phillips’ letter on charter schools ignores the 2013 Stanford University CREDO study, showing that three-fourths of charter schools are worse or no better than regular public schools, despite the charters’ selectivity advantage. Charters are part of the movement to privatize and undermine public education.

— *Edd Doerr*, New York Daily News, October 7, 2013

There is, of course, nothing wrong with the religious emphases in these schools. People have a right to develop this kind of education for those who wish it for their children. But it is unlikely that the children of taxpayers of other faiths would be welcome in many of these schools, nor should they be taxed in any way to support them. There is also no particular campaign by these schools to obtain state support, but a voucher program, either nationally or statewide, would inevitably lead to financial support for them.

— *Al Menendez*