

Is Government in America Becoming Faith-Based?

A platform address by Edd Doerr,
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Today marks the end of the war in Europe 60 years ago. It would be appropriate for me, then, to read an important document that few have actually seen. It is dated 7 May 1945 at 0410 hours and comes from the Supreme Headquarters of the Allied Expeditionary Forces in Europe. I quote:

“A representative of the German High Command signed the unconditional surrender of all German land, sea, and air forces in Europe to the Allied Expeditionary Forces and simultaneously to the Soviet High Command at zero one four one hours Central European Time, seven May, under which all forces will cease active operations at zero zero zero one baker, nine May.

“Effective immediately all offensive operations by Allied Expeditionary Forces will cease and troops will remain in present positions. Moves involved in occupational duties will continue. Due to difficulties of communication there may be some delay in similar orders reaching enemy troops so full defensive precautions will be taken.

“All informed down to and including divisions, tactical air commands and groups, base sections, and equivalent. No release will be made to the [press] pending an announcement by the heads of the three governments.

“Signed: Eisenhower”

At the end of the message are the initials of the Army clerk who typed the communication ending hostilities – “WAS.” That’s my friend Warren Allen Smith, and Warren is here in the audience today.

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It is a distinct honor to be here today. It was in this very building a quarter century ago that my good friend, Ed Ericson, then senior leader of this society, led in the formation of the Center for Moral Democracy. At the same time Rabbi Sherwin Wine, the founder of Humanistic Judaism, led in the development of a similar organization in Michigan, Voice of Reason. Both Ed and Sherwin recognized the dangers to our liberties posed by the rise of televangelist Jerry Falwell’s so-called Moral Majority and other forces on the religious radical right.

In early 1982, Ed and Sherwin arranged to merge the two organizations into what is now Americans for Religious Liberty. I was honored to be asked to head the organization. In its nearly quarter-century of work, ARL has won court battles (such as

Lamont v. Wood, in the Second Circuit here in New York early in the Bush I administration), published 90 newsletters and more books in the field than any other organization, and worked closely with other groups to further the cause of church-state separation.

Our subject today may appear at first glance to be rather narrow, but as philosopher Ernst Cassirer observed, “To be is to be related.” As we shall see, probably all of the concerns that we share are related, and, in a special sense, related to today’s topic.

These concerns, about which we could talk endlessly, include the following, in no particular order:

Preemptive war. Regime change. Genocide. Imperialism and neo-colonialism. The growing gap between the global North and South. Indifference to suffering, poverty, and misery around the world and in our own land. The worldwide HIV/AIDS crisis.

Global warming, deforestation, desertification, overpopulation, addictive overconsumption, environmental degradation and pollution, increasingly rapid exhaustion of nonrenewable resources such as fossil fuels, increasing stress on renewable resources such as fisheries and topsoil and fresh water. Shrinking biodiversity.

Erosion of civil liberties and women’s rights. Racism and ethnocentrism. Homophobia. Social fragmentation. The growing gap between rich and poor in this country. Political corruption. Declining citizen participation. The dumbing down of the media and the population. Inadequate funding of public education and health care [cite New York’s proposed sports stadium]. The shame of the largest prison population in the world. Increasing government secrecy. Consolidation of ultraconservative control of politics and media. The increasing misuse of religion for political purposes. [This reminds me of the play, “Stop the World, I Want to Get Off.”]

We could go on, but you get the idea. So let’s turn our attention to the growing threats to church-state separation and how they relate to all of the concerns just listed. There are three aspects to be examined.

One: The propaganda war against church-state separation; the attacks on liberal or progressive politicians, media, and academics; the demonization of “secular humanism,” “secularism,” and a “culture of relativity,” which the new pope, Benedict XVI, has denounced; and any deviation from fundamentalist views on religion, education, sex, and “traditional values,” whatever that means.

Two: The specific socio-political agenda of the religious radical right and its secular allies.

Three: The fact that all the effort directed to dealing with Items One and Two seriously distracts attention from working to solve the real social justice and other problems listed earlier.

The propaganda war: Major media have been dumbed down to the point where citizens have to work hard to know what is going on in the nation and the world (that is, if they really care to know). The *New York Times* and *The Nation* reach far too few people. Now we are facing new attacks on public broadcasting with insinuations that NPR and PBS are too “liberal.” There are nearly 2,000 radio and TV stations owned by religious outfits and nearly all of them saturate their programming with evangelical and fundamentalist messages, many of them political, reaching an estimated audience of 141 million people. [That’s more than read a recent letter of mine in the *New York Times*.] Far right evangelical broadcaster James Dobson reaches millions every day, as do Pat Robertson, Jerry Falwell, D. James Kennedy, and their myriad imitators. Fundamentalist Tim LaHaye, who is several cards short of a full deck, has sold over 60 million copies of his hack “left behind” novels. There are more “Christian” bookstores and bookracks in supermarkets than there are gas stations. Secretive outfits like the Fr. John Hardin Apostolate in Chicago are training cadres of people to flood newspapers and magazines with fundamentalist messages in letters to editors. In April Senate Majority Leader Bill Frist had David Barton, a notorious Orwellian “selective manipulator of history,” lead a private tour of the capitol to present his comically distorted view of our nation’s history. And the two main organs of conservative opinion, *The Weekly Standard* and *National Review*, both support the positions of the fundamentalists, referred to by some as the “American Taliban.”

Well, enough of that. Before proceeding with the religious right agenda, we might take an all too brief glance at our history. Fundamentalists make much of religious references in the Declaration of Independence. Yes, they are there, but let’s recall that in 1776 the ragtag forces of our divided country faced the strongest army and navy in the world, the forces of an empire that asserted the “divine right” of kings. How better to counter this idea than with the notion of the “divine rights” of the people. Fundamentalists call attention to the Declaration’s reference to a Creator endowing people with inalienable rights. But why did nobody think of that until 1776? And why has the Creator historically not endowed most people, especially women and minorities, with these rights? Let’s face it, the Declaration was essentially a propaganda document, inspired in part by Tom Paine, designed to rally our divided American population to support independence. It’s also true that the document encapsulated important political ideas that are as relevant now as then.

But to move on. The Constitution mentions religion only in forbidding religious tests for public office and mandatory oaths of office. The Bill of Rights, adopted shortly thereafter, barred any government action “respecting an establishment of religion, or prohibiting the free exercise thereof.” In 1802 Jefferson, with the concurrence of his attorney general, declared that the First Amendment “erected a wall of separation between church and state.” As early as 1879 the Supreme Court held that Jefferson’s interpretation was correct.

Meanwhile, nearly all of the states followed Virginia's example and included the idea of church-state separation in their constitutions. It is interesting to note that the constitution of the Commonwealth of Puerto Rico, adopted in 1952 and approved by Congress, specifies that "There shall be complete separation of church and state." Meanwhile, also, the Fourteenth Amendment, approved after the Civil War, made the Bill of Rights applicable to state and local government.

Beginning at its first opportunity in 1947, the Supreme Court unanimously affirmed Jefferson's interpretation of the First Amendment, though subsequent rulings have tended to weaken it. Finally, we might note something the religious right would rather not be reminded of, that in 1797 President John Adams and the Senate approved our treaty with Tripoli that declared that "the government of the United States of America is not in any sense founded on the Christian religion."

I might mention, by the way, that one of the best books on this subject, *The Separation of Church and State: Writings on a Fundamental Freedom by America's Founders*, was published in 2004 by Beacon Press. The editor is Forrest Church, minister of All Souls Unitarian Church here in New York.

We are now ready to look at the specific agenda of the religious right, in no particular order.

School Vouchers and Their Analogues: Conservatives have for a great many years sought to get tax support for private faith-based schools. If successful, this campaign would decimate our already underfunded public schools [a particularly serious problem here in New York State]. It would force everyone through taxes to support private schools that specialize in sectarian indoctrination and practice forms of selectivity and discrimination that would be intolerable in public institutions. Our society would become ever more fragmented along religious, ideological, class, ethnic, and other lines. Educational costs would go up, as former Gov. Rockefeller's Fleischmann Commission concluded many years ago, while overall educational quality would decline. As private schools are generally hostile to unions, teaching would become an even less remunerative and desirable profession than it is now.

Many of you will remember the 1967 constitutional referendum here in New York State. Cardinal Spellman and his friends sought to remove Article XI, Section 3 from the state constitution, the section banning tax aid to faith-based schools. New York voters defeated that attempt 72% to 28%. That referendum was the subject of my first book, *The Conspiracy that Failed*, in 1968.

Since the New York referendum there have been 24 similar statewide referenda from coast to coast between 1970 and 2004. On average vouchers or their analogs were defeated two to one.

Wisconsin and Ohio passed voucher plans in recent years because lawmakers were too afraid to submit the issue to the voters and their state supreme courts failed to apply their own state constitutions. In 2002 the Supreme Court approved Ohio's voucher plan with twisted logic that would make an ambulance chaser blush. The same has occurred in Gov. Jeb Bush's Florida, but that state's supreme court is likely to deep six it.

Charitable Choice: For over a century public support has gone to faith-based charities, but generally with safeguards to prohibit discrimination and proselytizing. (An exception to this rule is Roman Catholic hospitals, which control as many as 20% of all hospital beds, and which generally decline to provide important reproductive health services such as morning-after contraception, abortion, tubal ligations, and vasectomies.) President Bush the Lesser, however, is seeking to buy religious votes, African American and Latino and white, by expanding charitable choice and eliminating the barriers to discrimination and proselytizing. As I pointed out in *The New York Times* on May 2, 2001, Bush's charitable choice plan will "create a growing proliferation of unregulated, unaccountable charities of uncertain efficacy competing for scraps of a shrinking public pie." In addition, "It would violate Madison's 1785 warning that using 'religion as an engine of civil policy' would be 'an unhallowed perversion of the means of salvation'." We are seeing abundant evidence of that.

Religion in Public Schools: Both the Constitution and the pluralistic nature of our society demand that our public schools be religiously neutral. The Supreme Court has been clear on this, especially with the school prayer rulings of 1962 and 1963. Fundamentalists have squawked about this for over 40 years but have never, so far, been able to get a constitutional majority in Congress to approve a prayer amendment, thanks largely to the fact that mainstream religious leaders, including such key figures as Catholic priest and former congressman Robert Drinan, agreed that public schools have no business meddling with religion.

Although the Supreme Court in 1987 held that fundamentalist creationism has no place in public school science classes, the religious right is gathering strength to continue their efforts, most recently in Kansas at this very moment.

Another problem that has never been adequately addressed is what I have termed "the invasion of the soul snatchers." Hundreds if not thousands of fundamentalist proselytizers – from such groups as Young Life, Campus Life, Campus Crusade for Christ, Fellowship of Christian Athletes, Jerry Johnston Ministries, and local fundamentalist churches – have been operating with impunity in public schools across the nation for many years.

Finally, there is the problem of teaching "about" religion in public schools. As a former high school history and government teacher, I agree with the Supreme Court that public schools may try to alleviate ignorance about religion. The problem is that there is no agreement as to precisely what should be taught and at what grade levels; there are very few if any teachers trained, qualified, and certified to teach about religion; and there are few if any suitable textbooks. The difficulties of teaching about religion are so

numerous and serious that few public schools and teachers want to try.

[Incidentally, the topics that I am discussing today are covered more thoroughly and extensively in my chapter in the new book, *Toward a New Political Humanism*, edited by Barry Seidman and Neil Murphy, just published by Prometheus Books. My chapter may also be found on Americans for Religious Liberty's website – www.arlinc.org]

Reproductive Rights: The right to use contraception was not completely nailed down until the early 1970s, and the constitutional right to choose to terminate a problem pregnancy was not acknowledged until *Roe v. Wade* in 1973. The Supreme Court did not “create” the right; it acknowledged a right that already existed. While the right to choose in *Roe* was based on the Fourteenth Amendment due process right to privacy, it is really much more than that. It should be protected by the Thirteenth Amendment ban on “involuntary servitude,” on the seldom-used Ninth Amendment, and on the First Amendment’s religion clauses. After all, if the law imposes on women a sectarian view of when personhood begins the establishment clause is violated; if a woman’s freedom of conscience is interfered with, the “free exercise” clause is violated.

Regarding a fertilized egg, embryo, or fetus as a person is an idea without any credible backing from the Jewish and Christian scriptures, and even if it did, with no scientific backing. As was pointed out to the Supreme Court in 1988 in *Webster v. Reproductive Health Services* in an *amicus curiae* brief I organized that was signed by twelve Nobel laureates and 155 other scientists, the functions associated with human personhood are not possible until the cerebral cortex is sufficiently developed to permit consciousness, some time after 28 to 32 weeks of gestation.

But the “personhood at conception” idea promulgated by the Vatican and the fundamentalists is really just a cover for the real motive behind the anti-choice movement, which is the maintenance of historic male dominance over women.

And not only does the anti-choice movement push hard to make reproductive health care services less and less accessible, especially to young and poor women and those who live in the political “red” states, but the Reagan and Bush I and II administrations blocked U.S. aid to overseas family planning agencies if they so much as approve of abortion. Indeed, Bush the Lesser, against the recommendation of his own advisers, blocked \$34 million that Congress had approved for the United Nations Population Fund for two years in a row. As a result of these anti-choice policies, many thousands of women and children die, the abortion rate increases, and the population problem gets worse. [Thirty years ago President Nixon ordered a report on the effects of overpopulation on U.S. security interests. The National Security Study Memorandum 200 report, endorsed by President Ford, was quite similar to the Programme of Action presented by President Clinton at the 1994 Cairo Population Conference. The NSSM 200 report, having been marked classified was buried for nearly 20 years. Had that not happened, we could have made substantial progress in dealing with population and

environmental problems, and might even had headed off the Rwanda massacre in the early 1990s.]

To tie things up, it is obvious that the religious right and its allies, oblivious to the social justice injunctions of the religions they profess, are in the process of making over government at all levels in America into a faith-based operation. At this point we should mention the current controversy over the filibuster. It does not take rocket science to recognize that the 55 Republicans in the Senate represent less than half of the U.S. population. So the filibuster may be all that stands between us and permanent single-party rule. This talibanization of our country will not only greatly shrink the liberties we have come to take for granted but will also disenfranchise many millions of us. And as I said earlier, the success of this trend will make it difficult if not impossible to address the real problems of our country and our planet. And time is running out. Of course, I have no wish to deny the various brands of fundamentalism their right to live and think as they please, but we will all suffer if their drive to political ascendancy succeeds.

What to Do: As individuals we need to tackle as many of these issues as we can. We can volunteer time and effort and money, each according to our individual situation. We can support, in line with our resources and our particular interests, those organizations that are addressing these issues, such as Americans for Religious Liberty (founded in this building), the American Civil Liberties Union (which this society played a role in founding), People for the American Way, the Interfaith Alliance, this society's social justice activities, the Religious Coalition for Reproductive Choice (which the American Ethical Union helped to found), NARAL, and other groups too numerous to list.

We must recognize that we in this hall are not alone. Vast numbers of moderate, liberal, and progressive Catholics, Protestants, Jews, and others share many of our values. We need to promote intergroup cooperation whenever and wherever possible.

Back in the 1960s, here in New York, Leo Pfeffer, Florence Flast, and others formed the Committee for Public Education and Religious Liberty (PEARL). In the 1970s PEARL became a national organization. Unfortunately, always short of cash, it faded away two or three years ago. Now we need a similar but bigger and more comprehensive organization in New York, New Jersey, Connecticut, and every other state. A good model to emulate would be the Texas Freedom Network (www.tfn.org), which has been doing terrific work in a state that, as one wag put it, is missing its village idiot.

If evil triumphs, it will be largely because good people did not do enough to stop it. And as Kahlil Gibran put it, "Let passion fill your sails, but let reason be your rudder."