VOICE OF REASON

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Californians to Face Voucher 'Velociraptor'

On November 2 California voters will have to vote on a voucher plan for tax aid to sectarian and other private schools, a plan about as nasty as the velociraptor in Steven Spielberg's popular film "Jurassic Park." The California plan is the most expensive and massive parochiaid scheme ever to get on the ballot anywhere in the U.S.

Although the proposed amendment to the state constitution, misleadingly called the "Parental Choice in Education Initiative," was originally scheduled to go on the ballot in June of 1994, Gov. Pete Wilson rescheduled the election for November 2, 1993, possibly in an effort to avoid his having to have it on the ballot with him next June during the Republican primary.

The voucher plan, if passed, would provide about $2,600 per year per student to nonpublic schools in the state. With more than 532,000 students in nonpublic schools in California, the cost of the plan would be about $1.38 billion per year even if no other students transfer to nonpublic from public schools. Each transfer from a public to a nonpublic school would decrease state and local funding for public schools by about $5,200 per year.

But that is not all. The initiative provides that the state legislature may provide for transportation to voucher schools, which, as nonpublic school attendance areas are rarely as compact as those of public schools, means that bussing costs could be astronomical, as they are now in such states as Ohio and Pennsylvania. In addition, the initiative provides that the value of each voucher (or "scholarship," as the initiative's authors call them in an effort to make them appear less objectionable) is to be "*at least* fifty percent of the average amount of state and local government spending" for public education for grades K-12. This implies that the legislature could raise the value of vouchers to 75%, 90%, or even 100% of the cost per student of public education.

Where all this money is to come from if the initiative is passed is not clear. California has just had to deal with a ***$14 billion*** deficit. The funds for vouchers would undoubtedly come from California's already seriously underfunded public schools.

The voucher initiative is sponsored by a group called the "Excellence Through Choice Education League" (ETCEL).

Opposing its passage is a broad-based coalition, the Committee to Educate Against Vouchers (CEAV). Americans for Religious Liberty, the California Teachers Association, and other groups will be working to defeat the measure.

Among the many objectionable features of the voucher initiative, called a "real turkey" by the *Sacramento Bee,* are the following, which are based on an analysis of the wording of the initiative itself:

1. It would compel California taxpayers to support sectarian private schools, in violation of their fundamental right not to be taxed for the support of religious institutions.

2. The plan would give tax support to private schools which promote prejudice against various faiths, as ARL research director Albert J. Menendez shows in his 1993 book *Visions of Reality: What Fundamentalist Schools Teach* (available from ARL, Box 6656, Silver Spring, MD 20916, for $14.95).

3. It tries to give the impression that the tax money is "aid to children through their parents and not to the schools," but the initiative's Section 17(b)(7) clearly states that "the State shall disburse the student's scholarship [i.e., voucher] funds . . . *directly to the school.*"

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Rehnquist Court Lowers the Wall Still Further

The U.S. Supreme Court, by the narrowest of margins, held in June that a state-paid sign-language interpreter could be placed in parochial schools. The case, *Zobrest v. Catalina Foothills School District,* reached the High Court after a district court and the Ninth Circuit Appeals Court concluded that provision of these services to sectarian schools was unconstitutional because the interpreter would act as a conduit for a child's religious inculcation, thereby promoting religious development at government expense. The case was brought by parents of a deaf child who attends a Roman Catholic high school in Tucson, Arizona, after the local public school district refused to provide an interpreter.

The five to four majority ruling written by Chief Justice Rehnquist and joined by Justices Scalia, Kennedy, Thomas, and White (in his last church-state ruling before retirement), invoked the *Mueller* and *Witters* cases, which also represented a weakening of the wall of separation between church and state by granting aid to private and parochial schools under allegedly neutral laws which provide aid to a broad class of taxpayers.

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In this case Rehnquist and Company held that government programs which neutrally provide aid to a broad class of citizens could not be tested for Establishment Clause violations when sectarian institutions receive benefits.

The majority seemed at pains to suggest that provision of a sign-language interpreter was aid only to the child, and at the request of a parent, thereby rendering aid to the school "incidental," even though Rehnquist noted that the parents in this case enrolled their son in Salpointe Catholic High School "for religious reasons."

The majority also sharply differentiated the sign-language interpreter's role from that of a teacher or guidance counsellor. "The sign-language interpreter . . . will neither add to nor subtract from the environment" of the sectarian school, they concluded. The interpreter, in Rehnquist's view, is only present to "accurately interpret whatever material is presented to the class as a whole." Rehnquist also cited two earlier parochiaid cases, *Wolman v. Walter,* in 1977, which held that provision of health services in public and nonpublic schools was allowable, and *Meek v. Pittenger,* in 1975, which made an exception for diagnostic speech and hearing services on sectarian school premises.

The dissent, written by Justice Harry Blackmun, joined by Justices Souter, Stevens and O'Connor, accused the majority of "disregarding longstanding principles of constitutional adjudication" by allowing the government to pay for an employee "whose duty consists of relying religious messages in a parochial school classroom." Blackmun noted pointedly that regulations adopted under the Individuals with Disabilities Education Act (IDEA) forbid the use of federal funds to pay for "religious worship, instruction, or proselytization." Several previous court decisions by the Fourth and Sixth Circuit Courts and district courts in Ohio and the District of Columbia have strictly enforced that requirement. Blackmun further noted that the Arizona Constitution has been interpreted by the state's attorney general to prohibit the provision of sign-language interpreters to church-related schools.

In a direct rejoinder to his colleagues, Blackmun observed, "Until now, the Court never has authorized a public employee to participate directly in religious indoctrination. Yet that is the consequence of today's decision." Blackmun added, "It is beyond question that a state-employed sign-language interpreter would serve as the conduit for . . . religious education, thereby assisting Salpointe in its mission of religious indoctrination."

While acknowledging that some social-welfare services are acceptable in a nonpublic school environment, Blackmun stressed that the Court "has always proscribed the provision of benefits that afford even the opportunity for the transmission of sectarian views."

Blackmun cited the Faculty Empowerment Agreement at Salpointe Catholic High School, which emphasized that "religious programs are of primary importance" and "are not separate from the academic and extracurricular programs but are instead interwoven with them." The Faculty statement also requires teachers "to assist in the implementation of the philosophical policies of the school and to compel proper conduct. . . ."

Blackmun held that provision of any state employee to a pervasively sectarian school violated the First Amendment's Establishment Clause. He wrote, "A state-employed sign-language interpreter would be required to communicate the material covered in religion class, the nominally secular subjects that are taught from a religious perspective, and the daily Masses at which Salpointe encourages attendance for Catholic students. In an environment so pervaded by discussions of the divine, the interpreter's every gesture would be infused with religious significance."

Finally, Blackmun and his three allies warn that state-provided personnel would likely be subjected to "religiously based rules of conduct" in church-run schools, which could lead to conflict. "To require public employees to obey such rules would impermissibly threaten individual liberty, but to fail to do so might endanger religious autonomy . . . The Establishment Clause was designed to avert exactly this sort of conflict."

The *Zobrest* ruling is likely to provoke considerable discussion, if not alarm among defenders of public education and religious liberty. Lee Boothby, general counsel for the Council on Religious Freedom, cautioned that the decision was decided by "the narrowest of margins" and "narrowly confined to the facts of the case." "The *Lemon* test is alive and well," he added.

Former Congressman Robert Drinan, now a professor of Georgetown Law School, warned in a recent *America* article, "The raw emotions that surround the issue of aid to church-related schools will surface again." ■

Voice of Reason is the quarterly newsletter of **Americans for Religious Liberty,** P.O. Box 6656, Silver Spring, MD 20916. (Telephone: 301/598-2447.) The newsletter is sent to all contributors to ARL.

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Americans for Religious Liberty is a nonprofit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are $25 for individuals, $30 for families, $10 for students and limited income.

A Tribute to Leo Pfeffer (1909-1993)

Leo Pfeffer, one of America's foremost scholars, authors, and jurists of church-state relations, died June 4, 1993 at the age of 83, in Goshen, New York. Born in Hungary, the son of a rabbi, he was brought to the United States by his parents when he was two years old. A graduate of the City College of New York and the New York University School of Law, he was widely recognized for more than three decades as one of the nation's outstanding authorities on church and state. His prodigious scholarship earned him the respect and stature accorded few scholars at any time, anywhere. In addition to his voluminous writings, including his classic work *Church, State, and Freedom* (Beacon Press, 1967), he probably argued more church-state cases before the United States Supreme Court than anyone else in American history. As Samuel Krislov wrote in a volume of essays written in honor of Leo Pfeffer, "No one comes to mind ... to rival Pfeffer's intellectual dominance over so vital an area [i.e. church and state] of constitutional law for so extensive a period in this combination of pleading and intellectualizing." It was widely conceded, even by those holding sharply differing views, that it was Leo Pfeffer's view of the Establishment Clause more than any other that for almost three decades formed the Supreme Court's intepretation of it.

Admitted to the bar at the age of twenty-three, he was actively engaged in the practice of law for more than a half century, almost twenty years of which were spent with the American Jewish Congress in various capacities as director of the Commission on Law and Social Action, general counsel, and finally as special counsel. In addition, he served as counsel to the New York Committee for Public Education and Religious Liberty (PEARL) and the National Coalition for PEARL from their founding until 1985. His professional responsibilities also included: Lecturer, New School of Social Research, 1954-60, and Mt. Holyoke College, 1958-60; David W. Petergorsky Professor of Constitutional Law, Yeshiva University, 1962-63; and Professor and Chairman of Political Science, Long Island University, 1964-1979, where he continued to teach until 1985.

Recognition of his work came from many and varied sources, including: the L.H.D. degree from Hebrew Union College; Trustee Award for Scholarly Achievement, Long Island University; Thomas Jefferson Religious Freedom Award, Unitarian Universalist Church; Rabbi Maurice N. Eisendrath Memorial Award, Union of American Hebrew Congregations; Citation for Contributions to Public Education, Horace Mann League; American Jewish Congress Award; and Certificate of Merit, Council of Jewish Federations. Baylor University Press published a large volume of essays in honor of him and his life's work in 1985, to which a broad range of distinguished scholars contributed.

In Leo Pfeffer were combined the scholar and the jurist, the thinker and the participant, the theoretician and the practitioner. Scholarship, advocacy, and juridical skill were inextricably intertwined and embodied in his life work. Deeply involved in his concern for a broad range of human rights and civil liberties, he was a passionate advocate of religious liberty and an eloquent defender of the institutional separation of church and state, which he always saw as a corollary to the constitutional guarantee of "the free exercise of religion." His lengthening influence on American church-state relations and his contributions to religious liberty will long be remembered. It may well be said that the United States has lost its greatest champion of religious liberty in this century.

— James E. Wood, Jr.

Dr. Wood is director of the J.M. Dawson Institute of Church-State Studies and Simon and Ethel Bunn Professor of Church-State Studies at Baylor University in Waco, Texas, and editor of The Journal of Church and State.

Leo Pfeffer: A Personal Remembrance

My first contact with Leo Pfeffer was in 1967 during the struggle over the attempt by Cardinal Francis Spellman and parochial school interests to change the New York State constitution to allow tax aid to nonpublic schools. As I detailed in my 1968 book *The Conspiracy That Failed,* these interests controlled the state constitutional convention which proposed a new state charter. Fortunately, the proposed constitution, which had many good features, had to be submitted to the state's voters. Thanks largely to the efforts of New York PEARL, the charter was defeated by a 3 to 1 margin in a referendum which was the first of many over the next 25 years.

It was an honor and a pleasure to work with him for the next quarter century. For a man of his attainments and incredibly heavy schedule, he was always accessible to everyone, and extremely generous with his time and expertise.

He and I were involved in a constitutional challenge to tax aid to sectarian schools in Australia, which unfortunately was ultimately unsuccessful (*A.G. for Victoria v. Commonwealth,* 1981), due to the Australian High Court's mistaken understanding of the history of that country's emulating of the U.S. no establishment principle.

Leo Pfeffer was a giant in the tradition of Jefferson and Madison. He was a mensch. His shoes will be very hard ever to fill.

— Edd Doerr

'Velociraptor,' *continued from page 1*

4. It would give state support to any group that could muster 25 or more students, and provides that "No school which meets [very minimal] requirements of this Section shall be prevented from becoming a scholarship-redeeming school." Thus, any school, even one operated by a David Koresh or a Jim Jones or any other sort of sectarian or political extremist, could receive state funding.

5. The initiative, while barring discrimination on the basis of race or ethnicity, would allow discrimination in admissions and teacher hiring on the basis of religion, gender, family income, IQ test score, marital status, views on politics or reproductive rights, even mental or physical disability.

6. It would specifically allow dismissal of any student "who is deriving no substantial academic benefit," a feature that would give voucher schools *carte blanche* to get rid of just about any student its staff does not like.

7. It would not allow meaningful state regulation of voucher schools, just as private schools in California today are almost totally unregulated.

8. The initiative would allow and encourage public schools to be converted into voucher-supported private schools shielded from normal public regulation.

9. The plan would in the long run transfer money from the needy to the wealthy. Nonpublic schools could raise tuition to soak up as much of the state voucher money as they like. The poor, the needy, and the handicapped are not likely to benefit at all from the plan.

10. By slapping the "parental choice" label on the scheme, its authors seek to deceive the public. Parents would not ultimately make the choice of schools for their children; rather, it is the private schools that will choose which students to admit, which teachers to hire, and which creed or ideology will be taught.

The California initiative, in short, is a deceptive scheme to wreck public education and undermine the American principle of separation of church and state.

Concerned citizens who want to help defeat this scam should contact ARL, PO Box 6656, Silver Spring, MD 20916, or the Committee to Educate Against Vouchers, 18401 Von Karman Ave., Suite 120, Irvine, CA 92715.

There have been 19 statewide referenda since 1966 on the question of tax aid for nonpublic, mainly denominational, schools. Church-state separationists won all but the least important one, in South Dakota in 1986. In Oregon in 1990 and in Colorado in 1992 voters defeated massive voucher and voucher-like plans, in both cases by 2 to 1 margins. In economically ravaged California, our largest state, however, success cannot be taken for granted. The Religious Right can be expected to invest millions in this most important of parochiaid referenda since New York's in 1967. ■

The Colorado Voucher Victory: An Election Analysis

Colorado's rejection of vouchers in the November 1992 general election swept every geographical region and type of voter in a 2-1 landslide. Coloradans rejected Amendment 7, "Requiring that all state funds be apportioned among students in the form of vouchers," by 1,004,530 to 500,112. This 67% to 33% defeat represents a superior campaign of information and organization on the part of defenders of church-state separation and public education, especially as a late summer poll claimed that 52% of voters were likely to favor the scheme.

The message reached the voters. An election day exit poll found that voters were concerned that vouchers would harm the state's public schools and would only help the affluent.

The voucher proposal lost in all 63 counties. It was rejected 2-1 in Denver, and 2-1 in the Denver suburbs (Adams, Arapahoe, Larimer, and Jefferson Counties). Smaller cities were also opposed, with 70% voting no in Greeley (Weld County), and 63% opposed vouchers in significantly Catholic and Hispanic Pueblo County. The liberal stronghold of Boulder County, home of the University of Colorado, cast a 71% no vote.

Even the conservative bastion of Colorado Springs (El Paso County), which is dominated by the Air Force Academy and a growing network of evangelical and fundamentalist parachurch organizations, voted 3 to 2 against the voucher proposal. The 40% support in Colorado Springs was the highest level of statewide support.

The state's mostly conservative rural areas, where ranching, mining and agriculture are important and where residues of strong religious conservatism can be found, also voted against vouchers. Counties with high and low church membership patterns opposed the measure overwhelmingly.

One of the more extraordinary results came from Conejos County, an isolated Hispanic Catholic area, which voted 73.3% against vouchers. Strong opposition was also recorded in Costilla, Huerfano, Rio Grande, Saguache and San Juan counties. These areas were settled in the sixteenth and seventeenth centuries with Spanish-descended immigrants. As in neighboring northern New Mexico, these counties' residents claim their ancestry as "Spanish" rather than Mexican and are among the most independent ethnic groups in the United States. They are Democratic-leaning but conservative on some issues. On parochiaid they were clearly skeptical.

Another set of rural counties could best be described as "liberal elite," areas like Aspen and Vail, highly affluent ski resort areas which have attracted high income and well educated residents. Pitkin County (Aspen) is typical of these voters. It is wealthy, and over 80% of its adults have attended college. Only 17% are members of any religious group. The county voted 72% for gay rights, and gave Clinton 52%, Perot 26%, and Bush only 22% in the presidential race. Many voucher supporters thought voters here would favor vouchers, because of its upscale electorate. They were wrong, as 66% of Pitkin County residents cast a negative vote. Pitkin County is strongly liberal on social issues, favoring abortion rights strongly in a 1986 referendum. In presidential races it can be unpredictable. It favored McGovern in 1972 but switched to Ford in 1976 and stayed with Reagan in 1980. John Anderson received his highest 1980 vote support here even though he still ran third. Reagan won in 1984 but Dukakis carried 55% in 1988. Perhaps as a result of the cultural issues, the Republican presidential vote for Bush in 1992 reached an all-time low.

Other liberal ski resort counties (Gunnison and Summit) exceeded 70% in their opposition to vouchers.

A German Catholic rural area, Lake County, cast a 71% no vote. Upper-income middle-aged Douglas County voted 63% no.

Rural evangelical Protestants, who voted overwhelmingly against gay rights and for President Bush, also opposed vouchers, which shows how broad the opposition coalition was on this issue. Evangelical voter opposition came despite the support given to voucher proposals from national conservative religious organizations.

Seven rural counties have large evangelical voting blocs (Kit Carson, Morgan, Philips, Prowers, Sedgwick, Washington, Yuma). They voted 73.4% against Amendment 7. Also, the two counties carried by Ross Perot in the presidential race voted 73.5% no.

The Colorado election reveals once again that voters will reject proposals that are seen as weakening public education or threatening religious freedom. It is only the most recent of a long string of defeats for advocates of public aid to private or sectarian education.

— Al Menendez

Colorado 1992 Voucher Referendum

Voter Types	% No
Denver	67.1
Denver Suburbs	66.5
Boulder (university)	71.4
Douglas (upper income Republican)	62.7
Hispanic Catholic rural	69.2
Evangelical rural	73.4
German Catholic rural	70.5
Liberal ski resorts	65.6
Colorado Springs (evangelical/military)	59.9
Perot counties	73.5
High church membership counties	73.6
Low church membership counties	69.3
State	66.8

The New York School Board Election

One of the most bizarre election contests in the nation, featuring an alliance between televangelist Pat Robertson and Cardinal John O'Connor, ended in something of a draw in the hotly-contested New York City School Board race in May.

The election itself was conducted under the most unusual conditions. The city's 32 school districts each elect 9 candidates under a complicated proportional representation system used nowhere else in the United States. Information provided to voters is scanty and postcards announcing the election are sent to registered voters without telling them where their polling places are. Parents may also vote in the districts in which their children attend school rather than where they reside. Paper ballots are counted by hand and results are not announced until three weeks later.

These 288 board members have immense power to hire school principals and superintendents, and to set broad policies and curriculum guidelines for the city's 800 public elementary and junior high schools.

The system's inadequacies led *The New York Times* to comment on May 4: "The system is chaotic, and with exceptions, tends to attract low-quality candidates less interested in education than in politics and patronage. . . . The election system is so anti-democratic and the boards are so occupied with non-educational matters that education often comes last." The *Times* added that the boards' control of appointment of principals "has turned the boards into patronage mills and encouraged corruption." The inherent flaws in the election system led to an all-time low voter turnout of just 7% four years ago.

This primitive electoral system was ready-made for the activists of the Religious Right. The New York City chapter of Robertson's Christian Coalition recruited candidates and produced voter guides to candidate stands on certain "moral issues." The Coalition did not endorse candidates formally—which would have been illegal—but their voter guides did not fool voters. They were de facto endorsements of about 90 candidates seeking the 288 seats available. The Religious Right asked board candidates their views on teaching about homosexuality and premarital sex in school textbooks, "voluntary" school prayer, and proposed legislation to allow parents the right to inspect instructional materials and methods. Religious rightists were particularly incensed over the "Rainbow Curriculum," a 400-page guide to teaching racial, cultural and religious tolerance in the city schools, including support for multiculturalism and respect for alternative lifestyles. Last year Queens District 24, in a heavily Irish and German Catholic area, refused to use the curriculum, and its chairperson, Mary Cummins, led the successful fight to oust School Chancellor Joseph A. Fernandez.

As it turned out, about 50 candidates espousing the Christian Coalition-Cardinal O'Connor viewpoint were elected. But at least 50 candidates who specifically opposed the Religious Right also won seats in an election which drew a near-record 425,000 voters (12%). This was up sharply from 7% four years ago. Gay groups also claimed victory, as several acknowledged homosexuals won seats in liberal strongholds, one of which, Manhattan's Lower East Side, saw its total vote quadruple.

Still, the Christian Coalition claimed it won a major victory in a progressive stronghold. Ralph Reed, the Virginia Beach-based organization's executive director, called the results "a tremendous victory." But so did Barbara Handman, director of the New York office of People for the American Way, which spearheaded the opposition coalition. Observers also noted that certain conservative candidates like Mary Cummins in Queens would have retained their seats without outside help.

An aftertaste to this bitter "Holy War" remains. The distribution of 500,000 voter guides by religious conservatives raises serious legal questions in the minds of many. Richard McBrien, a noted theologian at the University of Notre Dame, warned that distributing the guides in churches may have violated IRS regulations against church-based politicking. McBrien said the "imprudent" action may have violated the Catholic Church legal counsel's 1988 advisory opinion against such political activity.

Many voters were angered by the Religious Right "stealth campaign." People For president Arthur J. Kropp described those campaign techniques in *The Wall Street Journal*: "These candidates campaigned fast and furious within their own church communities—phone-banking to church directories, leafletting church parking lots, seeking and winning endorsements from the pulpit. What they *didn't* do was address the mainstream of voters. Following advice from slate organizers, they ducked interviews, skipped debates and declined speaking invitations—doing all they could to avoid letting most voters figure out who they were and why they were running."

This hard-fought school board election in America's largest city suggests the pattern of political involvement that the Religious Right is likely to follow in the years to come. ■

ARL in Action

In May Americans for Religious Liberty joined with other organizations in an *amicus curiae* brief to a California appellate court in *American Academy of Pediatrics v. Lundgren*, a challenge to a 1987 state law which removed abortion from the many types of necessary medical care, including all pregnancy related services, which minors may obtain on their own informed consent. The other organizations on the brief are the American Jewish Congress, the Religious Coalition for Abortion Rights of California, the Board of Church and Society of the California-Nevada Annual Conference of the United Methodist Church, the National Council of Jewish Women, and California Catholics for a Free Choice. The brief argues that the state law violates the privacy rights of minors under the California constitution, that the law intrudes into family autonomy, and that its bypass procedure threatens minors' physical and emotional well-being by forcing upon minors the involvement of third parties in whom they would not normally confide.

ARL has joined the National Organization for Women and other groups in supporting the Freedom of Access to Clinic Entrances (FACE) Act in Congress.

Since our last newsletter, ARL president John M. Swomley and executive director Edd Doerr conducted a workshop on church-state issues at the American Civil Liberties Union biennial conference in Atlanta in June, at which both were delegates.

Doerr was a speaker at the Unitarian Universalist Association General Assembly in Charlotte in June, at which he was also a delegate, and at the Baltimore-Washington Annual Conference of the United Methodist Church. Doerr also spoke at conferences and meetings in Detroit, Philadelphia, Princeton, NJ, and Adelphi, MD, appeared as a guest on radio station WWDB in Philadelphia, and attended a conference on school choice at the Harvard Graduate School of Education.

Research director Al Menendez was a guest on talk shows in Seattle, Phoenix, Oklahoma City, and Grand Rapids.

Al and Shirley Menendez are the authors of two new books, *Maryland Trivia* and *New Jersey Trivia* (Rutledge Hill Press, $5.95 each). Edd Doerr's second book of poetry, *Dancing on the Wall* (Rocinante Press, $4.95) is available through ARL.

Update

Holy See Envoy Approved

Boston mayor Raymond Flynn was confirmed as U.S. ambassador to the Holy See by the Senate in June. Although ARL and pro-choice Protestant and Catholic groups had sought to oppose the appointment, the Senate declined to allow testimony either on the appointee or the diplomatic recognition of a church. Diplomatic relations with the Holy See, the headquarters of the Roman Catholic Church located in the 108-acre Vatican City in Rome, were begun in 1984 by President Reagan.

ARL executive director Edd Doerr and treasurer Ken Gjemre were among the plaintiffs in a legal challenge to the unconstitutional relationship with the Holy See, but the federal courts held that plaintiffs lacked "standing to sue" and that the courts had no jurisdiction over foreign affairs, an erroneous ruling unlikely to be overturned.

As we have pointed out previously, U.S. diplomatic relations with a church violates the First Amendment, extends preference to one religion, and entangles religion and government. The arrangement upsets many Catholics because it allows the unelected head of their church to go over their heads to deal directly with the U.S. government.

Parochiaid

Los Angeles County, CA, Superior Court Judge Raymond Cardenas on June 4 dismissed a lawsuit seeking vouchers for children attending private and denominational schools. Judge Cardenas ruled that the state constitution prohibits allocation of public funds to schools not under the "exclusive control" of public school officials. A similar suit in Chicago was dismissed by an Illinois court in March. Both suits had been brought by the Institute for Justice, a Washington-based outfit that supports ultraconservative causes.

Meanwhile, in New York State a panel created by State Commissioner of Education Thomas Sobol to find ways to help parochial schools has recommended state income tax credits for tuition payments for and donations to Catholic and other private schools. The panel seemed unaware that such credits have been ruled unconstitutional by the U.S. Supreme Court and would also violate the New York State constitution.

Pennsylvania is headed for another bruising battle over parochiaid in the fall. Although a $300 million per year voucher plan for tax aid to sectarian and other private schools was defeated in December 1991, the Pennsylvania Catholic Conference and other groups are pushing a new voucher bill, this time with some trinkets attached for public schools to try to pick up a few more votes. ARL is part of a coalition of educational, parents, religious, and civil liberties groups opposing the plan. Meanwhile, state legislative conference representatives have quietly increased existing state aids to nonpublic schools from $70 million to $73 million per year.

The Wisconsin legislature is considering a bill to provide state-aid to parochial and private schools by means of tuition reimbursement tax credits worth $1000 per student per year. The plan would cost Wisconsin taxpayers $143 million per year. The Wisconsin Coalition for Public Education (c/o Wisconsin PTA, 4797 Hayes Rd., Suite 2, Madison, WI 53704-3256) is coordinating opposition to the plan.

New Jersey Gov. Jim Florio (D), running for reelection in November, has come out against voucher plans for state aid to nonpublic schools. His Republican opponent, Christine Todd Whitman, has said she would start a voucher program to aid sectarian and other private schools. Florio has pointed out that Whitman sends her children to private schools and does not vote in local school board elections.

Update, *continued*

Sectarian District Nixed

A special school district created by the New York State legislature in 1989 to serve a single religious sect was ruled unconstitutional on July 6 by the state's highest court, the Court of Appeals. The Kiryas Joel district, about 50 miles north of New York City, had been set up to provide publicly paid special education services for children of the Satmar sect of Hasidic Jews, who prefer that their children not attend public schools with non-Hasidic children.

The court held in the 4-2 ruling that "the primary effect of such an extensive effort to accommodate the desire of the Satmar Hasidic students inescapably conveys a message of governmental endorsement of religion."

Unaffected by the ruling is the ongoing provision of special education services to sectarian school students of various faiths in mobile classrooms parked near the sectarian schools. The services are provided to the students in religiously segregated settings.

Kiryas Joel school officials said they plan to appeal the case to the U.S. Supreme Court.

ARL had joined in an *amicus curiae* brief to the Court of Appeals along with other organizations in the New York Committee for Public Education and Religious Liberty (PEARL).

Abortion Rights

With a pro-choice president in the White House, for the first time in twelve years, the anti-choice movement is having to change its strategy. It no longer has any serious hope of having freedom of conscience on abortion outlawed, so it is seeking to limit access to medical services as much as possible in the following ways: passage of state laws that burden choice through waiting periods; requirements that women be given state-mandated misleading information; complex parental notification requirements; harassment aimed at driving health professionals out of work in the abortion field; drastically limiting public funding for abortions for poor women; keeping abortion services out of any new national health plan. The idea is also to marginalize abortion services and the personnel who work in them.

Here are the latest developments:

On June 30 the House of Representatives voted 255 to 178 to retain the Hyde Amendment restrictions on Medicaid funding for abortions for poor women, except in cases of rape, incest, or threats to the life of the woman. Rep. Henry Hyde (R-IL), who has successfully sponsored the ban in Congress since 1977, angered women House members, especially women of color, by declaring in debate that protecting poor women's access to abortion is racist.

In other action, the House approved Treasury-Postal Service and District of Columbia appropriations bills without the Reagan-Bush era bans on insurance coverage for abortions (T-PS) or public funding from local sources (DC).

The U.S. Supreme Court agreed on June 14 to decide whether the 1970 federal Racketeer Influenced and Corrupt Organizations Act (RICO) can be used to challenge abortion clinic blockades. The Clinton administration urged the Court to take the case and to overturn the Seventh Circuit U.S. Court of Appeals (Chicago) ruling that RICO is not applicable in the absence of "economic motivation." The case, *NOW v. Scheidler,* was brought by the National Organization for Women and Chicago area clinics, which contend that anti-choice groups that blockade clinics are part of a "nationwide criminal conspiracy of extremists" who use "unlawful and violent" methods to interfere with women's rights. Federal courts in New York and Pennsylvania have imposed large fines on Operation Rescue for RICO violations.

The Senate Labor and Human Resources Committee in June voted 13-4 to approve the Freedom of Access to Clinic Entrances Act (FACE). Attorney General Janet Reno testified in favor of the bill. Pro-choice groups are asking concerned citizens to urge their senators and representatives to support the FACE bill.

The Freedom of Choice Act (FOCA—H.R. 25 and S. 25) is in trouble as attempts are being made to dilute it with encumbering amendments, which could derail the bill, needed to prevent states from passing anti-choice laws. Congress is being deluged with anti-FOCA postcards promoted by anti-choice religious groups. Pro-choice groups are encouraging their members to urge their senators and representatives to approve the bill without weakening amendments.

In a CBS interview President Clinton declared that abortion will be covered as part of the basic services provided by his administration's health care reform package.

In June the U.S. Catholic bishops passed a resolution warning that inclusion of abortion could jeopardize passage of a national health care plan. The Religious Coalition for Abortion Rights, made up of 36 Protestant, Jewish and other religious groups, and Catholics for a Free Choice disagreed.

The U.S. District Court for the Eastern District of Pennsylvania has granted a request by women and abortion providers to reopen the record in *Planned Parenthood v. Casey.* In the summer of 1992 the Supreme Court ruled in that case in favor of several Pennsylvania restrictions on abortion rights. Judge Daniel H. Huyett, III has agreed that plaintiffs are entitled to present new evidence to prove that portions of the state law upheld last year are still unconstitutional.

The Kansas Supreme Court in June unanimously reversed a lower court ruling allowing an anti-choice protester to use the "necessity defense" to justify her admittedly illegal action in refusing to leave an abortion clinic at which she was demonstrating.

The National Right to Life convention in Milwaukee June 24-26 featured as speakers Richard John Neuhaus, Lutheran minister turned Catholic priest, *New Republic* columnist Fred Barnes, a fundamentalist, former Reagan Secretary of Education (and private school voucher advocate) William Bennett, former

School Prayer Redux

Although the Supreme Court ruled in 1992, in *Lee v. Weisman,* that clergy led prayers at public school graduation ceremonies violate the First Amendment, the issue was blown to major proportions when televangelist-activist Pat Robertson's American Center for Law and Justice sent letters to the more than 15,000 school boards across the country arguing that "student-led, student-initiated prayers are permissible." The Robertson effort generated a massive national controversy. *Voice of Reason* will report on the issue in full in our next newsletter.

U.N. ambassador Jeane Kirkpatrick, and former Dan Quayle aide William Kristol.

Planned Parenthood of New York announced in June that it will train physicians in abortion procedures. The move is necessary as medical schools and teaching hospitals, under pressure from anti-choice groups, have drastically cut back on physician training in recent years. Physicians in the program are to receive a 40-hour program in surgical procedures, counseling, and follow-up care.

Operation Rescue, the anti-choice extremist group that created havoc in Wichita two years ago but fizzled in Buffalo last summer, has targeted seven communities this summer: Minneapolis-St. Paul, Cleveland, Dallas, Jackson, MS, Philadelphia, San Jose, CA, and Melbourne, FL. Earlier this year Operation Rescue ran a 12-week training program for anti-clinic activists in Melbourne, FL. The activists received extensive training in harassment and surveillance techniques.

Operation Rescue founder Randall Terry has been handed a five month jail sentence for violating a 1992 federal court order aimed at preventing disruption of the Democratic National Convention. Terry is free pending appeal.

Police in Wilmington, DE, arrested 130 anti-choice demonstrators in July when they collapsed the porch of a medical clinic by crowding onto it.

Former Missouri Attorney General William Webster (R), who won a major Supreme Court ruling in 1989 against abortion rights, *Webster v. Reproductive Health Services,* has accepted a plea bargain on charges of conspiracy and misapplication of state funds. The plea bargain involved giving up his law license and asking a federal judge for only an 18-month sentence. Conviction on all the charges filed against him could have resulted in up to 15 years in prison.

Pennsylvania Gov. Robert Casey (D) has announced that he will set up a political action committee to support anti-choice Democrats in the 1994 and 1996 elections.

Animal Sacrifice Upheld

A Hialeah, Florida, ordinance banning religious ritual sacrifice of animals was ruled unconstitutional by the U.S. Supreme Court on June 11 (*Church of the Lukumi Babalú Aye v. Hialeah.* The Court held that the law was aimed specifically at adherents to the Santería religion while not addressing sport killing of animals or general unsanitary disposal of animal remains.

The majority opinion, by Justice Anthony Kennedy, was a narrow one, dealing only with a direct attack on a religious practice of one religion, Santería, and not with enforcement of generally applicable laws that only incidentally affect a religion. Santería developed in Cuba from elements of West African Yoruba religion and Spanish Catholicism.

The ruling left untouched the Court's 1990 ruling in *Employment Division v. Smith,* in which a bare majority on the Court, led by ultraconservative Justice Scalia, dumped the Court's previous position that overturning a free exercise of religion claim required demonstration of a "compelling interest" by the state and showing that the state's interest could not be served by less restrictive means.

Justices Blackmun, O'Connor, and Souter filed separate opinions concurring with Kennedy on the result in Hialeah but stating that the Court should have gone farther and overturned *Smith.* Justices Rehnquist and Scalia wrote a separate opinion arguing, curiously, that the Court should not have examined legislative intent, a view consistent with their minority opinion in 1987 in the case in which the Court ruled unconstitutional a Louisiana law intended to give the fundamentalist doctrine of "creationism" equal standing with evolution in public school science classes.

As *Hialeah* left the *Smith* decision standing, it remains important for Congress to pass the Religious Freedom Restoration Act to restore the "compelling interest" test. The RFRA was passed by the House of Representatives on May 11 but has not yet come to a vote in the Senate.

School Access Upheld

In a unanimous ruling on June 7, the U.S. Supreme Court ruled, in *Lamb's Chapel v. Center Moriches Union Free School District,* that a school district must rent school facilities to religious groups during nonschool hours if the facilities are open to other community groups. The Court treated the case as a free speech rather than a church-state matter.

Pledge Cleared

The Supreme Court on June 1 declined to review lower federal court rulings upholding the constitutionality of the phrase "under God" added to the Pledge of Allegiance to the Flag 40 years ago. Use of the pledge in public schools was challenged on church-state separation grounds by an Illinois parent, who held that the added phrase amounted to state-sponsored religious expression. The lower federal courts, however, disagreed, holding that "the reference to God contained in the Pledge of Allegiance to the flag can best be understood . . . as a form of 'ceremonial deism' protected from [being found unconstitutional] chiefly because it has lost through rote repetition any significant content." The lower courts added that Christmas trees and the phrase "In God We Trust" are likewise not unconstitutional for "having lost their original religious significance."

The June 1 ruling does not affect a 1943 Supreme Court ruling that students may not be compelled to participate in recitation of the pledge.

Falwell Gives Up Religion?

The Virginia Council of Higher Education decided on June 1, by an 8-2 vote, that televangelist Jerry Falwell's Liberty University has agreed to give up enough of its religion to qualify for state aid

Update, *continued*

to its 1,000 or so students who are Virginia residents, about $1,400 per year per student. The state supreme court had ruled in 1991 that the school was so pervasively sectarian that it could not constitutionally qualify for tax-exempt municipal bonds.

In exchange for the estimated $1.4 million in state aid per year through its students, Falwell's college agreed to drop its requirements that students attend three church services per week, that faculty be approved by a "doctrinal reviewer" before being hired, that a pastor's recommendation is necessary for admission. Thrice-weekly chapels will be redesignated "convocations."

Liberty spokesman Mark DeMoss has declared, however, that the changes were made for the Council's benefit and that the character of the fundamentalist college has not changed. DeMoss said that the college's students, employees, and supporters "know what the school is, they know what the heartbeat of Liberty is."

Classes teaching fundamentalist creationism and how to proselytize will still be required.

University of Richmond professor and church-state expert Robert Alley told the *Lynchburg News* that "Even if the changes are superficial . . . , the bottom line is that Jerry Falwell sold out."

Two conclusions suggest themselves. As seems probable, Falwell's college has made little more than cosmetic changes and the Council is unwilling to rigorously apply the state constitution. Or Jerry Falwell, as Alley suggests, has traded part of his college's religious mission for Caesar's gold.

Taxe$ for TM?

Hundreds of Transcendental Meditation (TM) practitioners are expected in Washington this summer for what they describe as an attempt to employ the "Maharishi Effect" to reduce crime in the nation's capital and increase bipartisan political cooperation. Their claim is that hundreds of TMers meditating in sync will achieve these effects.

The stinger is that TM officials say they plan to ask the D.C. government to subsidize their experiment with $5 million in public funds.

Americans for Religious Liberty has called to the attention of D.C. mayor Sharon Pratt Kelly that the U.S. Third Circuit Court of Appeals ruled in 1979 in *Malnak v. Yogi* (a suit which ARL staffers Edd Doerr and Al Menendez helped set up) that TM is a substantially religious movement that may not constitutionally be supported or promoted with public funds. ARL pointed out that TM founder/leader Maharishi Mahesh Yogi's book *Transcendental Meditation* shows that TM practice is based on Hindu theology, that TM meditation is similar to the Christian sacrament of communion, and that the mantras used in TM meditation are the names of Hindu deities.

Preaching Too Loud

The South Carolina Supreme Court on June 15 upheld the constitutionality of a Beaufort ordinance regulating the time, place, and manner of street preaching. The ordinance was passed in response to merchants' complaints that the street preachers were too loud, were hurting business, and were accosting pedestrians. The 3-2 court majority held that the preachers' freedom of speech is not violated by a "narrowly tailored" law that is content neutral. Dissenting justices held that the preachers were singled out for treatment different from that accorded parades and other street activities. Defendant preachers said they would appeal to the U.S. Supreme Court.

Home Schoolers Win

The Michigan Supreme Court on May 25 reversed the convictions of an Ottawa County couple, Mark and Chris DeJonge, found guilty of violating the state's compulsory-education law by teaching their children at home without a certified teacher. The circuit court found the certification requirement constitutional as the least restrictive means to meet the state's interests. However, the Michigan Supreme Court held 4 to 3 that the state requirement violated the First Amendment's free exercise clause, reasoning that the clause applied to families whose religious convictions prohibit the use of certified instructors. They remanded the case to the Court of Appeals, which found that the defendants' opposition to all state involvement in the education of their children was rooted in their deeply held religious beliefs, and that individual examinations for the students would also impose a burden on their religious beliefs. This leaves California and Alabama as the only two states which mandate teacher certification in home schooling. Religious Right groups are hailing the decision.

Commandment Monument Unconstitutional

A stone monument with the Ten Commandments on state grounds near the Colorado capitol is unconstitutional, the state's Court of Appeals ruled unanimously on June 17. Citing the U.S. Supreme Court's 1980 *Stone v. Graham* ruling, the Colorado court ruled that the Commandments was "undeniably a religious text." The state has not yet decided if it will appeal to the state supreme court. The appeals court stopped short of ordering the monument's removal, instead remanding the case to a lower court to see if the display can be charged to send a secular rather than religious message. The monument was challenged by the Freedom from Religion Foundation.

International

Berlin: Germany's supreme court, the Constitutional Court, ruled on May 28 that abortion violates the constitutional provision requiring the state to protect human life. But it also said that women who have abortions during the first trimester and their doctors should not be prosecuted, even though the abortions are illegal. The court also ruled that women seeking abortions must receive counseling aimed at dissuading them.

The 6-2 ruling held that abortion could be legal only in cases of rape, the threat of death to the woman, or severe fetal deformity, and added that German health insurance could no longer cover the costs of abortions. Chancellor Helmut Kohl and the German Catholic Bishops' Conference praised the ruling, but Rita Suessmuth, president of Parliament and a Christian Democrat like Kohl, criticized the ruling, as did women's organizations. The new ruling will discriminate particularly against poor women. In 1992 about 200,000 German women had legal abortions, and about 10,000 Germans travelled to the Netherlands for the procedure.

Dublin: The Roman Catholic Church's iron grip on public policy is slipping. The government is implementing the right of women to receive information about abortion, approved in a 1992 referendum. Parliament has also approved a law to permit, for the first time, distribution of condoms in vending machines. The government announced in May that it planned to decriminalize homosexual acts between consenting partners over 17, and is working on a bill to provide for a 1994 referendum on divorce. A proposed divorce law was defeated in referendum in 1986, largely because of fears that wives' property and pension rights would not be protected. The *Irish Times* editorialized that Parliament "has finally come to see that its true Republican purpose is to legislate not for personal or private morality, but for the general public good." The new moves, it said, "signal a kind of coming-of-age in the political life of this republic."

Athens: A new Greek law requires citizens' identity cards to list their religion. About 90% of Greeks are members of the Orthodox faith, though only about 10% of Greeks regularly attend church. Greek Catholics, Jews, and Protestants are protesting the measure as an invasion of privacy. The European Parliament has adopted a resolution calling the Greek measure "a violation of the European conscience which trespasses on the liberty of individuals." Non-Orthodox Greeks are often discriminated against in the predominantly Orthodox country.

Jerusalem: Israel's lack of a civil divorce or marriage law continues to cause controversy. A government bill before the Knesset would impose civil penalties on spouses who fail to abide by rabbinical divorce decrees within thirty days. Under present Jewish custom, many males refuse to give divorces to their wives despite religious court recommendations. Women's groups and non-Orthodox Jewish groups have long complained that marriage and divorce in the country are essentially controlled by the Orthodox rabbinate. Because of the power of several religious parties in the parliament, however, a civil divorce law is not expected any time soon, but passage of some laws protecting female victims is expected to pass.

Books

Religious Violence and Abortion, by Dallas A. Blanchard and Terry J. Prewitt, University Press of Florida, 347 pp., $39.95 hardback, $16.95 paperback.

This is a superb book, based on prodigious research, and brimming with insights and conclusions that will make it a study long cited and respected. The authors, two social scientists and professors at Pensacola's University of West Florida, have studied the trials of the religious-based abortion clinic bombings in their town on Christmas Day in 1984. This book was completed before Dr. David Gunn was murdered in Pensacola this spring. The attacks on abortion clinics in Pensacola were part of "The Gideon Project" sponsored by local fundamentalist and Pentecostal churches.

The authors weave exciting narrative and reportage with studies of the participants' motivation and social/psychological/religious backgrounds as they portray the war over abortion as part of a broader cultural war that is ravaging the U.S. today.

Based on interviews with anti-abortion activists, religious militants and clinic personnel, this book draws conclusions reinforced by a thorough review of sociological literature.

Many religious fundamentalists, whether Protestant, Catholic or Mormon, are involved in these activities. There are "at least six basic commonalities" among all fundamentalists, say Blanchard and Prewitt: (1) an attitude of certitude which includes antagonism to ambiguity; (2) an external source for that certitude—the Bible or church dogma; (3) a dualistic belief system; (4) an ethic based on the "traditional" family; (5) a justification for violence; and, (6) a rejection of modernism.

An egocentric, authoritarian belief system, a fear of and contempt for women, a punitive attitude toward human imperfectibility or "sin," and a tendency to see the world as an inherently hostile, evil place are characteristics of their worldview.

The authors mince no words, saying, "History reveals a close connection between religion and violence." Violence is "inherent in the vituperative nature of much of the picketing and anti-abortion activity that have taken place across the country in the past few years," they affirm.

Some of this violence has been fueled, the authors say, by ambivalent statements from many religious leaders, including the Roman Catholic bishops in January, 1985, which "add an air of legitimacy to the violence by blaming the victims."

Even though "violence is endemic to fundamentalism itself, the escalation of violence in the anti-abortion movement is an important indication of its failure to mobilize popular support." And while "religious violence is more likely to occur among religious groups that are isolated, small groups of fanatics may exist within less fanatic groups."

Not all fundamentalists are prone to violent political behavior, by any means. But there is "a coalescence of thought patterns, theology, values and intracommunity interaction among fundamentalists that encourages and supports violence despite overt statements to the contrary."

— Al Menendez

Books, *continued*

Between Two Absolutes: Public Opinion and the Politics of Abortion, by Elizabeth Adell Cook, Ted G. Jelen and Clyde Wilcox, Westview Press, 236 pp., $49.50 hardback, $14.95 paperback.

This is a profoundly compelling study of public opinion surveys and election day polling data which describe how U.S. citizens have come to their conclusions about abortion and how those conclusions affect their voting decisions. The authors' conclusions:

(1) Abortion is an important issue to many members of the public, and involves different values for different people.

(2) For all religious groups, religiosity and doctrinal orthodoxy were correlated with opposition to legal abortion. Frequent church attendance, especially among Catholics and evangelicals, is the best predictor for anti-abortion attitudes.

(3) Among evangelical Protestants, belief in the inerrancy of the Bible is strongly related to anti-abortion sentiment.

(4) A strong pro-choice, or at least pro-situationalist ethic, is the majority sentiment among all religious communities but "even people who oppose restrictions on legal abortion disapprove of abortions that they believe to be casual or frivolous."

(5) Anti-abortion voters still tend to place that issue at the top of their agenda more than pro-choice voters, who tend to consider a larger range of issues.

(6) Religious beliefs are important determinants of abortion attitudes, but in many complex ways that transcend denominationalism. For example, "respondents who hold the Bible to be inerrant are much less likely to approve of abortion rights than those who do not, regardless of their religious affiliation." Also, "a desire to punish sinners is strongly related to anti-abortion attitudes for all Christian groups."

(7) Most Jews favor legal abortion, regardless of their level of education, their religiosity or their other attitudes.

(8) Mainline Protestants are more consistently pro-choice than evangelical Protestants or Catholics, though Catholics are more liberal on economic and foreign policy issues.

For now at least, this remains the best book on the subject.

— Al Menendez

The Catholic Church and the Politics of Abortion, edited by Timothy A. Byrnes and Mary C. Segers, Westview Press, 193 pp., $43.00.

A number of political scientists have united their efforts and expertise to "analyze the efforts of a major American Institution—the Catholic Church—to shape public opinion on one of the most controversial political issues of our time—abortion," says co-editor Timothy A. Byrnes, himself an expert on the Catholic hierarchy as a factor in politics.

This volume concentrates on state politics where much of the action has occurred in recent years on abortion issues. Twenty-eight states have active Catholic conferences, which, like their national counterpart, the United States Catholic Conference, influence public policy on a number of issues.

The states surveyed in this informative book are New Jersey, Florida, Illinois, Pennsylvania, Louisiana, and Connecticut. The authors all conclude that the church's efforts to mobilize Catholic voters and to lobby legislatures have produced little fruit except in Pennsylvania and Louisiana. Other chapters consider the role of the hierarchy in the early "Right-to-Life" movement and an assessment of Catholics for a Free Choice, which is seen as "the loyal opposition" which "has made a contribution to the abortion debate in the United States.

— Al Menendez

MOVING?

Please send a change of address form to:

Americans for Religious Liberty
P.O. Box 6656
Silver Spring, MD 20916

In Search of a National Morality: A Manifesto for Evangelicals and Catholics, edited by William Bentley Ball, Baker Book House/Ignatius Press, 298 pp., $13.99.

Ball, a lawyer noted as an able advocate of Catholic Church hierarchy aims, has brought together 18 Catholic and evangelical writers to discuss a variety of church-state and "culture wars" issues. The authors nearly all cluster at the far right end of the religio-political spectrum and generally weigh in against the traditional U.S. arrangement of church-state separation. Their particular targets are abortion rights and the separation principle that bars tax support for sectarian private schools.

The essays range from the off-the-wall loony tunes attack on abortion rights by Harold O.J. Brown to an excellent piece on human rights by Mennonite historian John A. Lapp. The book completely ignores most of the important social justice, civil rights, civil liberties, and environmental issues challenging the U.S. and the world today. While civil libertarians would disagree with with most of the book, Ball's analysis of the impropriety of "landmarking" religious structures is sound, while Robert P. Dugan, Jr., appropriately criticizes the 1978 proposal by the I.R.S. to remove tax exemptions of church schools with "insufficent" percentages of minority students, a wholly unworkable plan. (At the time, I joined Dugan in criticizing the proposal at an I.R.S. hearing. The I.R.S. attempt, which got nowhere, was successfully used by Jerry Falwell and others as an organizing tool before the Reagan election in 1980. My attempts to get the Carter White House to pull the I.R.S. back were unsuccessful.)

But just as the Balls, Pat Buchanans, and Pat Robertsons are trying to forge a Catholic-fundamentalist alliance to undermine church-state separation, mainstream Protestants, Catholics, Jews, Humanists, and others are slowly coming together in a very loose alliance to defend individual liberties and progressive policies. The question is, which coalition will win?

— Edd Doerr