



VOICE OF REASON

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Religion and the 2008 Elections: An Early Report

Religion is shaping up as a major factor in the next presidential election. Candidates are routinely expected to spell out their innermost religious convictions and opinions and to explain how religious values will translate into public policy. Not everyone applauds these trends. The Interfaith Alliance criticized this emphasis on religion as potentially damaging to the nation. Nevertheless, here is a review of developments over the summer, constituting a preliminary report on what is happening on the religion-in-politics front.

The Religious Right's Disillusion

This powerful bloc of religious and social conservatives, an estimated 25% to 40% of Republican primary voters, shows signs of exhaustion, bewilderment, even disillusion with their party and the present crop of presidential candidates. Rudy Giuliani is anathema, primarily because of his squishy views on abortion and gay rights and his messy marriages. John McCain remains suspect because of his refusal to go into detail about his personal religious views, memories of his attacks on the Religious Right as "agents of intolerance" during his 2000 primary tussle with George W. Bush, and his sponsorship of campaign finance reform and immigration reform legislation. Mitt Romney's Mormon faith still makes him *persona non grata* among many evangelicals, who view Mormonism as a cult. Others distrust his recent conversion to

hard-right views on gay rights and abortion. Fred Thompson is still something of an unknown. Though he may emerge as the Right's preferred candidate, he has done little in his career to advance their signature issues. The minor candidates (Mike Huckabee, Sam Brownback) are sentimental favorites but are seen as unlikely winners, and today's religious conservatives are more likely to be pragmatists than ideologues who would rather be right than victorious.



Anti-Theocon Moderates

The Religious Right's power over GOP platforms, policy positions, votes in Congress, and its tendency to dictate both policy and veto candidates, have turned off traditional moderate Republicans and Independents in recent years. A poll of Independent voters in May and June by the *Washington Post*, the Kaiser Foundation and Harvard University found that 5% of *all* voters (and 16% of all Independents) are "dislocated" ideological straddlers who used to lean Republican but do not care for perceived religious domination of U.S. politics.

Dan Balz and Jon Cohen summarized this group's inclinations in the July 1 *Washington Post*: "These independents are overwhelmingly socially liberal and fiscally conservative, making them uncomfortable" *continued on page 3*

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ARL Co-Founder Sherwin Wine Dies at 79

Rabbi Sherwin T. Wine, who founded Americans for Religious Liberty with Edward L. Ericson in 1982, died in an automobile accident in Morocco on July 21. Wine, who lived in Birmingham, Michigan, was on vacation when a vehicle hit the taxi in which he and his partner Richard McMains were riding. McMains survived but the taxi driver was also killed.

Rabbi Wine, a native of Detroit, founded the first congregation of Humanistic Judaism in 1963 and helped establish the Society for Humanistic Judaism six years later. The movement, which now has 40,000 members, was described in a 1965 *Time* magazine article. Wine received the Humanist of the Year award from the American Humanist Association in 2003, the same year he retired.

Wine was the author of several books, most recently, *Staying Sane in a Crazy World*.

(An appreciation follows on page 10.)

Supreme Court Restricts Taxpayer Challenges

By another maddening 5 to 4 margin, the U.S. Supreme Court on June 25 rejected a challenge to executive branch expenditures of funds that promoted the administration's faith-based initiatives. The question was essentially one of standing. Did a group of taxpayers, and the Freedom From Religion Foundation, have "standing," that is, were they legitimately affected by expenditure of funds to promote conferences that promoted religious community groups. A federal district court said no, but the 7th Circuit Court of Appeals held that the 1968 *Flast v. Cohen* decision allowing taxpayers to challenge congressional expenditures that violated the Establishment Clause should be extended to executive branch appropriations.

Justice Samuel Alito, writing for the majority in *Hein v. Freedom From Religion Foundation*, held that *Flast v. Cohen* was a "narrow exception to the general constitutional prohibition against taxpayer standing" that could not be applied to funds that are from appropriations for general administrative expenses. These funds, he held, "were not made pursuant to any Act of Congress, but under general appropriations to the Executive Branch to fund day-to-day activities."

The court majority concluded that challenges to direct congressional appropriations were the only constitutionally required actions. They also rejected the argument that "Executive Branch expenditures in support of religion are no different from legislative extractions," because "*Flast* itself rejected this equivalence."

The majority also invoked a fear that taxpayer challenges could result in a flood of litigation. "Because almost all Executive Branch activity is ultimately funded by some congressional appropriation, extending the *Flast* exception to purely executive expenditures would effectively subject every federal action—be it a conference, proclamation or speech—to Establishment Clause challenge by any taxpayer in federal court." Some see this as a concern. Others fear it may be a smokescreen for an unwillingness by the present court to address the issue in greater detail, because it "would surely create difficult and uncomfortable line-drawing problems."

Alito wrote that standing challenges should be generally restricted to congressional action. "Almost all Executive Branch activities are ultimately funded by *some* congressional appropriation, whether general or specific, which is in turn financed by tax receipts."

Justice Anthony Kennedy, the all-important swing vote, concurred but expressed a concern about the Establishment Clause. "The clause expresses the Constitution's special concern that freedom of conscience not be compromised by government taxing and spending in support of religion." But he did not see the First Amendment as primary in this case. Rather, "The separation-of-powers design in the Constitution is implemented, among other means, by Article III's case-or-controversy limitation and the resulting requirement of standing."

Justices Scalia and Thomas supported the decision but wanted to scrap the *Flast* ruling altogether. Their concurrence was filled with sarcastic rhetoric about "the mental displeasure the taxpayer suffers when his funds are extracted and spent in aid of religion," and referred to "a taxpayer's purely psychological disapproval that his funds are being spent in an allegedly unlawful manner."

The dissent, written by Justice Souter and joined by Justices Stevens, Ginsburg and Breyer, said this decision "closes the door on taxpayers because the Executive Branch, and not the Legislative Branch, caused their injury." He said there was "no basis for this distinction in either logic or precedent."

Invoking Madison's "Memorial and Remonstrance Against Religious Assessments," as an "ideal of religious liberty," Souter wrote, "The right of conscience and the expenditure... raised by taxes for the support of a religious cause are therefore not to be split off from one another." He concluded, "When executive agencies spend identifiable sums of tax money for religious purposes, no less than when Congress authorizes the same thing, taxpayers suffer injury."

Souter noted that "when the Government spends money for religious purposes a taxpayer's injury is serious and concrete enough," and wrote that, "the judgment of sufficient injury takes account of the Madisonian relationship of tax money and conscience."

The practical effect of the *Hein* ruling will be to make Establishment Clause challenges more difficult in the future. Many commentators say that the ruling strengthens the faith-based initiative program. Challenges to these programs are still possible but, as attorney Aaron Schuham of the Coalition Against Religious Discrimination noted, "The federal statute must also incorporate an adequate level of specificity about how the money is to be spent."

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The 2008 Elections, *continued from page 1*

with increasingly polarized parties. They are ideologically dislocated. But they are engaged and active. Nearly two-thirds are male, and they are the least religious of any segment. Three in 10 profess no religion, nearly half rarely or never attend services and six in 10 want religion to play a more limited role in public life.” They voted for Kerry over Bush by 22 percentage points and for Democratic congressional candidates last year by a 27-point margin.

This new disillusionment extends to some of the Republican Party’s oldest adherents. President Dwight D. Eisenhower’s only son, military historian John Eisenhower, endorsed Kerry in 2004. Now his granddaughter, Susan Eisenhower, told *Time* magazine correspondent Michael Hirsh that she is contemplating voting Democratic next year. So are Theodore Roosevelt IV, great-grandson of Teddy, and Peggy Goldwater, youngest daughter of the party’s conservative 1964 standard-bearer. Hirsh noted in *Time* (May 14): “The sons and daughters of some iconic Republicans are contemplating crossing the aisle. These are no ordinary voters. But their unhappiness with the GOP suggests that there’s a new middle up for grabs in 2008.”

Here’s an update on how the major candidates have been handling religious issues during the spring and summer of 2007:

Rudy Giuliani

“America’s mayor” has come under a barrage of attacks for his mildly pro-choice position on abortion. Catholic Bishop Thomas Tobin of Rhode Island called Giuliani’s abortion position “pathetic, confusing and hypocritical” and compared the former New York City mayor to Pontius Pilate in *The Rhode Island Catholic*, a diocesan weekly. “Rudy’s preposterous position is compounded by the fact that he professes to be a Catholic,” the bishop added. Other bishops, Robert Baker of Charleston, South Carolina, and Archbishop John Meyers of Newark, echoed these criticisms. A conservative Catholic advocacy group, Fidelis, based in Chelsea, Michigan, said Giuliani “suffers from the John Kerry syndrome.”

Giuliani hit back at a New Hampshire debate, “My view on abortion is that it’s wrong, but that ultimately government should not be enforcing that decision on a woman.” He continued, “I consult my religion, I consult my reading of the Constitution, I consult my views of what I think are important in a pluralistic society, and the reality that we have to respect the fact that there are people that are equally as religious, equally as moral that make a different decision about this. And should government put them in jail?”

Giuliani, who attended parochial schools and is the grandson of Italian immigrants, continues to face criticism over his three marriages. Richard Land, a prominent Southern Baptist official who is close to Republican leaders, cited Giuliani’s marriages as the main reason why he could not support the mayor. Giuliani’s first marriage was annulled, his second marriage ended in civil divorce, and his third marriage was a civil ceremony, not a religious one. Still, Giuliani ranked first among white evangelical Republicans in polls and is even stronger among Catholic Republicans.

Giuliani appeared at a July conference at Pat Robertson’s Regent University in Virginia Beach, where he told a large and enthusiastic audience that he had reduced the incidence of abortion while increasing adoptions during his two terms as mayor of the nation’s largest city. However, investigative reporter Wayne Barrett, writing in *The Village Voice*, said, “Records show that Giuliani’s claims are bogus.” He explained, “In fact, adoptions went up and abortions went down in only one of Giuliani’s eight years as mayor. Otherwise, they moved in uni-

Conservatives and Liberals Differ on “Moral” Issues

The terms conservative and liberal mean different things to different people. Some voters are conservative on some issues, liberal on others. Opinions on religion and politics do not always coincide. But Gallup’s annual “Values and Beliefs” survey shows self-defined conservatives and liberals are far apart on some issues:

Issue	Conservatives % Yes	Liberals % Yes
Abortion is morally acceptable	29	67
Approve of death penalty	73	54
Approve of homosexual relationships	23	83
Approve of single motherhood	59	83
Approve of stem cell research	48	84

son, either up or down—clearly demonstrating that an increase in adoptions did not produce a decrease in abortions. In 1997, for example, the final year of Giuliani’s first term, adoptions peaked at 4,009. But that was also when abortions peaked in the Giuliani era, at 104,344.”

Barrett also noted that Giuliani’s claims at Regent were never made when he was mayor. “Neither Giuliani nor anyone in his administration ever claimed at the time to have a program designed to encourage adoption as an alternative to abortion.”

John McCain

The Arizona Senator has tried to mend fences with evangelicals. He met privately with evangelical broadcasters in Orlando, spoke at the late Jerry Falwell’s Liberty University in 2005, and hired a Republican state senator from Greenville, South Carolina, Mike Fair, to head up “Americans of Faith for McCain.” Several religious conservatives have joined the McCain campaign, including Southern Baptist David Rexrode, who ran Bush’s religious outreach effort in 2004, and Brett O’Donnell, former coach of the debate team at Liberty University.

These efforts were dissed by Marlene Elwell and Judy Haynes, directors of Americans of Faith, who quit the campaign, saying, “There is a contempt for Christians” in the McCain inner circle.

McCain has rarely discussed his personal religious beliefs but told an interviewer with McClatchy Newspapers: “I think it’s something between me and my creator. It’s primarily a private issue rather than a public one. . . . When I’m asked about it, I’ll be glad to discuss it. I just don’t bring it up.” McCain told Matt Stearns of McClatchy’s Washington Bureau that he “still calls himself an Episcopalian,” but generally attends North Phoenix Baptist Church with his wife and children.

Mitt Romney

Romney, aware that his Mormon affiliation is a two-edged sword (helping among Mormon contributors but turning off evangelicals), gave the commencement address at Pat Robertson’s Regent University. The speech was relatively low-key and did not address religion per se, but he did blast same-sex marriage, denounced pornography and violence in movies and television, and railed against the presence of evil in the world. Some students and alumni denounced the invitation. Robertson has endorsed no one, but his Christian Broadcasting Net-

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work web site has this reference: “Mormons are far from the truth.” But moderates have accused Romney of intolerance on the gay rights issue. His response: “I don’t think that a person who’s running for a secular position as I am should talk about or engage in discussions of what they think in their personal faith or their personal beliefs is immoral or not immoral.”

His opposition to gay marriage helped him pick up the endorsement of Christian Coalition board member Drew McKissick, who ran the successful campaign to ban gay marriage in South Carolina. McKissick is prominent in the South Carolina GOP.

Romney’s popularity among fellow Mormons has become “a mixed blessing,” said *Washington Post* staff writer Alec MacGillis. “Romney is reaping enormous benefits from being part of a growing religion that has traditionally emphasized civic engagement and mutual support. Mormons are fueling his strong fundraising operation.” A third of Romney’s contributions in recent months came from Utah. The Marriotts, a wealthy Mormon family based in Bethesda, Maryland, have given \$390,000 to the effort. But many Mormons are worried that their overt presence in the campaign could be negative in the long run. Wrote Laurie Goodstein in *The New York Times*, “But even for the many Mormons who support Mr. Romney, the moment is fraught with anxiety because his candidacy is bringing intense scrutiny to their church, and could exacerbate longstanding bigotry.”

Romney’s campaign has sparred frequently with McCain supporters. A clash at the Kennedy School of Government at Harvard in March led to heated exchanges in which Romney adviser Bill McInturff accused McCain’s staff of stirring up religious animosity against Romney. The *Boston Globe*’s Scott Helman cited attacks on Romney’s church by McCain campaign chairman Chad Workman in Warren County, Iowa, in April.

Other camps have also been implicated. Helman added in a June 21 report, “In a presidential race in which Romney’s candidacy is testing the country’s attitudes toward Mormonism, the comments by a McCain representative in Iowa are the latest of several instances of rival campaign operatives trying to bring Romney’s faith onto the campaign playing field. Over the past year, staff or volunteers from at least three opposing campaigns have, at times subtly and at times not, spread negative information about Mormons in an apparent effort to damage Romney’s bid for the presidency.”

Grassroots evangelical America is also stirred up. Florida televangelist Bill Keller warned that a vote for Romney is a vote for Satan. South Carolina Republicans have been deluged with anti-Mormon pamphlets sent anonymously.

Fred Thompson

Actor and ex-Senator Fred Thompson tested the presidential waters in the summer before his anticipated formal announcement in September. He has tried on the mantle of social conservatism, winning the tacit support of conservatives who are desperately seeking a new leader. He is running third among GOP primary voters in several polls and has even led in one conservative blog poll. Thompson was never an activist on abortion or other social issues. He also called for a “tolerant nation” on gay rights issues in a March speech. As an actor on NBC’s “Law and Order,” he is at home in Hollywood, a culture despised by many evangelicals. His lifetime rating from the American Conservative Union was 86%, a bit higher than John McCain’s. But his main interest was campaign finance legislation. In a June speech in South Carolina, Thompson attacked the immigration reform bill in Congress, using rhetoric that seemed to borrow from anti-immigrant zealot Tom Tancredo, who is also running for the GOP nomination.

The *Washington Times* reported in May that “several leading Christian conservatives say they will rally to former Sen. Fred Thompson.” This presumably does not include Focus on the Family founder James Dobson, who bluntly said that Thompson “is not a Christian.” Widely criticized for that comment, Dobson spokesman Gary Schneeberger, muddied the waters further when he told *U.S. News & World Report* reporter Dan Gilgoff that Dobson “has never known Thompson to be a committed Christian – someone who openly talks about his faith. We use that word—Christian—to refer to people who are evangelical Christians. Dobson wasn’t expressing a personal opinion about his reaction to a Thompson candidacy.” Thompson spokesman Mark Corallo retorted, “Thompson is indeed a Christian. He was baptized into the Church of Christ.”

Thompson faces criticism because he, too, is divorced and remarried. His second wife, Keri Kehn, is a former staffer for the Republican National Committee and the Senate Republican Conference.

Thompson’s anti-choice image was dented somewhat when it was reported that, as a lobbyist in 1991 (before he ran for the Senate), he was hired by a pro-choice group. His assignment was to convince the Bush 41 administration to overturn a ban on the right of federally financed family planning clinics to provide abortion information. The National Family Planning and Reproductive Health Association claims that its board minutes of September 1991 refer to hiring Thompson “to aid us in discussions with the administration.” A Thompson spokesman denied the report, asserting that he “had no recollection of doing any work on behalf of this group.” Former Maryland Congressman Michael Barnes substantiated the report that first appeared in the *Los Angeles Times*, but former White House Chief of Staff John Sununu claimed to have no memory of Thompson’s involvement. *The New York Times* re-



Will Prejudice Matter?

Reluctance to vote for a candidate—or outright prejudice—based on certain inherent characteristics still shows up in polls. *Christian Science Monitor* staff writer Linda Feldmann noted recently, “The 2008 presidential field presents a veritable cornucopia of potential firsts—a woman, an African-American, a Hispanic, a Mormon, and, representing the attribute perhaps most sensitive for discussion, a top contender who would be the oldest person ever to assume the American presidency.

“For Democrats Hillary Rodham Clinton, Barack Obama, and Bill Richardson, and Republicans Mitt Romney and John McCain, gender, race, ethnicity, religion, and age are, respectively, only a part of what defines them. But as they seek to shape their identities with the American people, each must cope with questions and challenges arising from personal attributes.”

Recent Gallup polls show voter skepticism on a number of factors that could sway the election. For example:

<i>% who would not vote for:</i>		<i>Most affected:</i>
Woman	11	Hillary Clinton
African American	5	Barack Obama
Mormon	24	Mitt Romney
Mexican American	12	Bill Richardson
Age 70 or older	42	John McCain

ported that it had discovered billing records that substantiate Thompson's involvement.

The Democrats and Religion

Evangelical moderates and liberals continue to press the party and its candidates to use more religious language and to encourage religious explanations for party positions in an attempt to cut into the Republican evangelical base. There is little data on which to justify this campaign, however. Last fall, Democrats made double-digit gains over their 2004 showing among Jewish voters, the religiously nonaffiliated, those belonging to faiths "other" than Christian and Jewish, Hispanic Catholics and Latino evangelicals. Moderate gains came among white Catholics and white mainline Protestants. White evangelicals lagged behind, giving the Democrats only a three to four point gain, not only the poorest gain for all religious groups, but the lowest overall vote. Evangelicals still supported Republicans for Congress by 70% to 29%.

But evangelical activists like Rev. Jim Wallis of the Sojourners movement and some party strategists think the evangelical card is the one to play, and apparently the three leading Democratic candidates think so, too. They were the only candidates invited to a Sojourners forum on faith in public life, held in Washington, D.C., on June 4, where they discussed how their personal faith informed their personal lives and political decisions.

Former North Carolina Senator John Edwards, steeped in southern evangelical culture (raised a Southern Baptist, now a United Methodist), was most forthright in discussing his personal faith in explicitly religious language. Hillary Clinton said, "I've had a grounding in faith that gave me the courage and the strength to do what I thought was right, regardless of what the world thought." Barack Obama spoke the least about his personal religion but emphasized that "there is a moral element" in many political controversies. Obama and Edwards repeatedly stressed helping the poor



"No Faith" Group Grows

An evangelical polling firm, The Barna Group in Ventura, California, tracks religious trends among Americans. In a June 11 report, they coined a new phrase, the "no-faith" segment of the population, which they chart as 9% of adults, a bit less than some other national surveys, showing the religiously nonaffiliated at around 12% to 14% of the population. Barna's definition includes only self-defined atheists and agnostics. Age is clearly a factor, with each younger cohort of the population showing a higher no-faith percentage.

Age	% No faith
18-22	19
23-41	14
42-60	9
61-over	6

The no-faith group is less likely to register to vote (78% compared to 89% of all adults), less likely to volunteer for causes, and is less generous to charities. They are more likely to adapt easily to change and to appreciate new technology than other Americans. A majority of the no-faith camp (56%) say that "radical Christianity is just as threatening in America as is radical Islam."

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Thank you,
Edd Doerr, President

and disadvantaged as religious requirements that need to be translated into policy.

The religious rhetoric was noticed by reporters covering the meeting. Perry Bacon Jr. wrote in the *Washington Post*, "Yesterday's forum underscored an unusual dynamic of the campaign: that in many ways the Democratic candidates are more eager to discuss their faith than the Republicans are."

Clinton, Obama and Edwards have all hired religious outreach advisers to go after the religious blocs. Obama showed strength among his fellow liberal Protestants when he addressed the 50th anniversary convention of his own denomination, the United Church of Christ, in Hartford on June 23. Obama said religious faith had a role to play in politics and in fact had long done so in such previous controversies as slavery and civil rights. But he said the Religious Right had "hijacked" faith and "exploited what divides us." He called on religious progressives to fight for universal health care, ending the war in Iraq, and allowing illegal immigrants to earn their citizenship. Obama noted that he was a spiritual skeptic, raised in no religious tradition until he converted to a United Church of Christ congregation in Chicago some years ago. The denomination itself is an amalgamation formed in 1957 of the Congregationalists (the old New England Puritans) and the Evangelical and Reformed Church, a Swiss-German group of moderate to liberal Protestants found primarily in Pennsylvania and the Midwest. It was once highly influential but has lost perhaps half of its membership since the 1960s, and its Congressional membership has shrunk from 27 to 7.

This new emphasis on religion is affecting Democratic strategists in races below the presidency. Democratic Mississippi gubernatorial candidate John Arthur Eaves, wants abortion outlawed, school prayer "restored," and gambling reduced. But he also favors universal health care, massive public school funding and higher tobacco taxes. Eaves, who went to Israel to have his sons baptized in the River Jordan, tells voters, "I'm a Democrat because I am a Christian." Mississippi may be unique because of its huge Baptist population, however, and 88% of white evangelicals in the Magnolia state voted for Bush in 2004.

It is unlikely that many Democrats will emulate Eaves, and it is likely that many Democratic supporters will be increasingly uncomfortable with this emphasis on religion. Gary Rosen, managing editor of *Commentary*, wrote recently in *The New York Times Magazine*, "In the piety primary, the Democrats win hands down." He added, with a touch of ambivalence, "Can the rising field of presidential hopefuls move beyond the collision of orthodoxies to which we have grown accustomed? Maybe in some small way, if only because of the peculiarities of the personalities involved, but even that would be progress. At our present cultural moment, it is hard to think of a more edifying prospect than a campaign that will feature a running debate between churchgoing Democrats and vaguely impious Republicans." ■

The Second-Tier Candidates on Church and State

In our last issue, we highlighted the church-state positions of the six front runners for the Democratic and Republican presidential nominations in 2008. Polls now suggest that a few other candidates have enough support to be considered second-tier and may be influential in the final process. Here is how they stand on some of the major church-state issues:

Democrats

Joe Biden has been a U.S. Senator from Delaware for more than half his life, winning for the first time in 1972. His views on abortion rights have evolved from ambivalent to pro-choice. He “strongly supports *Roe v. Wade*,” though he has voted to ban late-term abortions. Despite these votes, he criticized the *Gonzales* decision to uphold the ban as “intellectually dishonest.”

He generally opposes school vouchers, and voted in 1994 to defeat an amendment to withhold federal funding for schools that denied students the right to pray, a bugbear of the Religious Right.

Biden supported the 1996 Defense of Marriage Act, but opposed a proposed federal constitutional ban on gay marriage in 2003. He voted for an expansion of hate crimes definitions to include sexual orientation.

He voted for the Stem Cell Research Enhancement Act and supported attempts to overturn Bush’s vetoes. He expressed some reservations about the faith-based initiatives but supports the concept with safeguards.

He has spoken out occasionally in favor of church-state separation. He told the *Wilmington News-Journal* in 2005 that separation “should not be messed with,” and criticized Bush’s endorsement of teaching intelligent design alongside evolution in high school biology classes. A practicing Catholic, Biden said, “I’m with John Kennedy on the role religion ought to play in politics.” Biden attended a Catholic prep school, Archmere Academy in Claymont, Delaware, before attending the University of Delaware and Syracuse University College of Law.

Bill Richardson, governor of New Mexico, has the most extensive resumé of the candidates, having served in Congress, the Cabinet, and as U.S. Ambassador to the United Nations before his election as New Mexico governor in 2002. He is the first Hispanic candidate for president, owing to his mother, who still lives in Mexico, though he was born in Pasadena, California.

He supports abortion rights and thinks the decision should be made by the woman involved, not the state. As a congressman, he supported a bill to provide reproductive health services, including abortion, for overseas military personnel and their dependents. The bill passed the House on May 22, 1991.

Richardson supports embryonic stem cell research, endorsing a state bill to allow research on stem cells derived from embryos slated for destruction. He proposed a state-funded research facility for stem cell research at the University of New Mexico, despite opposition from the state’s Catholic bishops.

He opposes same-sex marriage but has endorsed a domestic partnership bill and says he would support national civil union legislation.

In his 2002 campaign for governor, he opposed school vouchers. As governor he signed legislation for pre-kindergarten schooling for all children, including funding for faith-based schools. Those schools, he insisted, could not inculcate religious teachings with state funds.

As governor, he created an office for faith-based and community initiatives that helped faith-based groups apply for funding for programs related to the eradication of poverty.



Republicans

Sam Brownback, a U.S. Senator from Kansas, is a darling of social conservatives but has not received much visible support as yet because of the perception that he cannot win the nomination.

A leading anti-choice zealot, Brownback cosponsored the Partial-Birth Abortion Ban Act, the Unborn Pain Awareness Act, and the Unborn Victims of Violence Act. He has called abortion a “holocaust.”

He voted against the Stem Cell Research Enhancement Act, but says he favors research on adult stem cells. He supported the federal amendment banning same-sex marriage, saying that America must “defend the institution of marriage by defending the definition of marriage.”

He supports a constitutional amendment reinstating school prayer, endorses the teaching of intelligent design in public schools, and proposed the expansion of school vouchers in Washington, D.C., including faith-based schools. He cosponsored legislation affirming the “under God” language in the Pledge of Allegiance.

He is a leading advocate of Bush’s faith-based initiatives and calls the work of faith-based charities “highly effective” and “miraculous.” He has expressed no concern over possible religious discrimination in the programs.

A convert to Catholicism, he also attends a fundamentalist church favored by his wife and children.

Mike Huckabee, governor of Arkansas from 1996 to 2007 and lieutenant governor of the state from 1993 to 1996, grew up in Hope, the same hometown as Bill Clinton.

Most of Huckabee’s experience prior to politics was preaching in Southern Baptist churches and working in religious broadcasting and public relations. His higher education experience came under Baptist auspices, graduating from Ouachita Baptist University and Southwestern Baptist Theological Seminary.

Huckabee says his faith “affects my decision process and explains me.” He added, in an Eisenhower-like statement, that the U.S. is “a nation of faith but it doesn’t necessarily have to be mine.” Huckabee

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sees no problem in religious displays on public property, calling efforts to ban them “absurd.”

He opposes abortion rights and hopes *Roe v. Wade* will be overturned and the matter remanded to the states.

He rejects evolution, and wants all theories about the origin of life to be taught in public schools. He is not wild about school prayer but did proclaim “Student Religious Liberty Month” as governor and encouraged students to “turn to their faith and pray.”

As governor he created an office for faith-based and community initiatives and issued an executive order making the state comply with federal Charitable Choice laws, even before Bush became president.

He opposes same-sex marriage and expresses ambivalence on stem-cell research. He supports limited research on existing stem cell lines and says that, “recent discoveries have shown that stem cells from the umbilical cord may in fact be as useful as the embryonic stem cells that were previously created.”

Fred Thompson, a television and film actor, served in the Senate from Tennessee from 1995 to 2003, winning election in the Republican backlash year of 1994, when the GOP captured both houses of Congress for the first time since Eisenhower’s 1952 triumph. Thompson proved to be a run-of-the-mill Southern Republican, casting conservative votes on most issues, while occasionally engaging in folksy, populist rhetoric. He took no leadership positions and never sponsored any legislation. Tiring of the job, he chose not to seek reelection in 2002, preferring his role on the television series “Law and Order.”

Born in Alabama but raised in Tennessee, Thompson was a lawyer before becoming an actor. He was minority counsel for the U.S. Senate Watergate Committee. During his Senate career, he received high ratings from conservative groups and low scores from liberal organizations.

Though he was never identified with Religious Right causes, Thompson is popular with this core group. He placed first in polls conducted by one group in May, and his support for Christian Coalition positions was high, reaching 92% in the 1995-96 Congress.

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While saying at one time that abortion should be left to the states to regulate, Thompson voted to ban “partial birth” abortion in 1996 and in 1999.

He is a strong opponent of gay rights, perhaps reflecting the overwhelming sentiments in evangelical-dominated Tennessee, where 80% of voters rejected same-sex marriage in 2006. He voted against protecting gays and lesbians from employment discrimination, and he opposed broadening the definition of hate crimes to include sexual orientation in a Senate vote in 2000. He voted to ban gays from the Boy Scouts in a June 14, 2001, vote that was 51-49, making his vote decisive.

Thompson, who is divorced and remarried, apparently has trouble defining himself religiously. He was raised in the fundamentalist Church of Christ, a sect founded in the 19th Century and claiming wide following in Tennessee, Alabama and Texas. But he often listed himself as “Protestant” in the *Almanac of American Politics* (Some years, he was listed as Church of Christ.) ■

Religion Dominates Justice Department Cases

A *New York Times* special investigative report in June discovered that the Bush Justice Department has been “aggressively pursuing religion-oriented cases” while downplaying traditional civil rights litigation. Wrote reporter Neil Lewis, “Paralleling concerns of many conservative groups, the Justice Department has successfully argued in a number of cases that government agencies, employers or private organizations have improperly suppressed religious expression in situations that the Constitution’s drafters did not mean to restrict.”

While some religious moderates and liberals, such as Bob Edgar, retiring president of the National Council of Churches, and a former member of Congress, say it is appropriate for the federal government to combat religious discrimination, they also charge that it is regressive to reduce cases relating to race and gender issues. Some critics suggest that the cases Justice has entered go beyond specific congressional mandates. These include support for the Salvation Army’s assertion that the organization has a right to discriminate religiously in hiring employees despite receiving public funds, and involvement in cases asserting the right of conservative religious groups to distribute religious literature on school property or in school packets sent home to parents. The Justice Department has also brought more than two dozen lawsuits on behalf of churches, synagogues and mosques under a congressional law barring certain kinds of zoning restrictions. Justice has even created a new position, special counsel for religious discrimination, headed by Eric

Treene, who refused to discuss his division’s policies with *The New York Times*.

Religious conservatives have praised the new emphasis on religion, particularly in cases involving “trafficking,” or importing women to work in U.S. brothels. Litigation on behalf of prisoners’ access to religious worship has received praise from conservatives and liberals alike.

But the department is also wading into church-state separation jurisprudence in ways that may be harmful to separation principles. Lewis explains, “The department has also challenged so-called Blaine amendments, which are state constitutional provisions enforcing separation of church and state more rigidly than does the United States Constitution. The federal government sued because the amendments could impede Mr. Bush’s religion-based initiative, which provides money to religious groups for social programs.”

Lewis noted, additionally, that Justice has hired many lawyers from conservative religious colleges, who often replaced career employees with greater experience. Political and religious affiliations increasingly dominate personnel appointments. In his June 14 exposé, Lewis concludes, “Figures provided by the department show that from 2003 through 2006, there was a notable increase of hirings from religious-affiliated institutions like Regent University and Ave Maria University.” ■

Religious Right Campaign Fizzles in Texas

Despite a powerful presence in the Republican-dominated Texas legislature, the Religious Right and its allies failed to achieve most of their legislative objectives. The Texas Freedom Network (TFN) reported, “The 80th Regular Session of the Texas Legislature, which ended just before midnight on Monday [May 28, 2007], brought evidence that the backlash against the far right in Texas is gaining momentum. Today much of the far right’s legislative agenda lies in pieces, with major defeats on issues including public education, religious freedom, medical research and civil rights.”

Several voucher bills were defeated in House and Senate committees, a major defeat for voucher proponents. In March, House members voted 129-8 to bar public funding for private school vouchers.

Bills aimed at preventing embryonic stem cell research and attempts to ban public funding of such research failed to pass. Proposals to restrict access by students to comprehensive sex education also failed to reach floor votes. So did far-right attempts to bar or restrict gay and lesbian families from caring for foster children.

A proposal (H.B. 1287) to require Bible classes in public schools was modified. The bill that passed makes such courses elective. Key safeguards advocated by religious liberty and education groups included training for teachers and the development of balanced, academic and religiously-fair textbooks and curricula. According to the San Antonio *Express-News*, “The State Board of Education is given the task of adopting curriculum standards for courses on the Bible. The standards would have to be approved by the state attorney general to ensure constitutionality. The classes will focus on the history and literature of the Bible.”

The Religious Right achieved one victory when H.B. 3678 was narrowly passed. Called the “freedom of religious expression” bill, its real purpose was to provide cover for organized prayer and devotional ac-

tivities in public schools. The legislature approved the removal of a provision that would have prohibited schools and students from engaging in “expression” that disparaged the religious beliefs of other students. The implementation of the act will have to be monitored, since school-sponsored actions could lead to legal problems. Jenny Lacoste-Caputo, staff writer for the San Antonio *Express-News*, wrote that the new law “could leave the spiritual conscience of a school up to the captain of the football team.” She added, “The new law creates a ‘limited open forum’ that gives students the opportunity to speak about religious issues. It states that if a student speaker at a sports event, a school assembly or a graduation ceremony elects to express a religious viewpoint while addressing an otherwise permissible topic, school officials must treat the religious content the same as they would the secular content.”

Legislators also added the words “under God” to the Texas Pledge of Allegiance, said each day in Texas schools.

In general, though, America’s second largest state did not fall captive to the Religious Right, thanks to the efforts of TFN and other groups. As TFN noted, “The legislative session is over, but new battles lie ahead. The State Board of Education will soon begin developing curriculum standards for the elective Bible class created in H.B. 1287. In addition, the State Board will be revising the state’s science curriculum standards – and religious extremists who dominate the board are already preparing their attack on the teaching of evolution in science classes.”

During the legislative session, the *Beaumont Enterprise* spoke for many Texans when it editorialized on May 3, “The Legislature should stop mixing religion and politics. Matters of faith should be reserved for the home and church. Lawmakers have enough legitimate business to deal with in the last month of this session. They should focus on it.” ■

Taxpayer Challenges, *continued from page 2*

It will not be enough, after *Hein*, to challenge questionable expenditures pursuant to the taxing and spending power enumerated to Congress. Schuham explains the dilemma now facing church-state separation defenders: “*Hein* leaves several important questions

unanswered. In the hands of judges and litigants who are wont to limit the jurisdiction of the federal courts, the decision could well lead to drastic restrictions in the circumstances in which taxpayers will be able to challenge governmental spending in contravention of the Establishment Clause.” ■

“Faith and Taxes,” *Los Angeles Times* editorial, June 26, 2007

“Monday was a rocky day for the 1st Amendment, and the Supreme Court did not limit its mischief to the speech clause. A smaller, more technical case threatens to undermine the amendment’s protection of religion from government intrusion, in this case by limiting the ways taxpayers may challenge government spending on faith.

“For nearly 40 years, the court has recognized that Americans may file lawsuits to block the government from improperly spending taxpayer money on behalf of religion. Even when those litigants can show no specific monetary damage as a result, the court has recognized their standing to bring such suits. That sensible position, first articulated by Chief Justice Earl Warren in 1968, lets all taxpayers help enforce the establishment clause, which prohibits the government from aiding the establishment of religion.

“On Monday, however, two generations’ worth of common sense

went by the wayside as the court, in a mere plurality opinion, allowed taxpayers to challenge such spending if it is done by Congress but barred them from seeking redress if it is the president who authorizes the money. The court’s reasoning was satisfying to no one...”

‘Faith-based funding has fans, enemies’

Your June 26 “Faith and taxes” editorial was right on target. The Supreme Court’s weird *Hein vs. Freedom From Religion Foundation* ruling means that taxpayers may go to court to challenge violations of the First Amendment’s Establishment clause by Congress but not identical violations by the executive branch. Thus the Bush Court has removed several more bricks from our constitutional wall of separation between church and state and further eroded religious freedom.

Edd Doerr
Los Angeles Times, July 1, 2007

Religious Right Undermines Mainstream Religion

Not only does the Religious Right work to enlist sympathetic conservative churches across denominational lines to advance its political agenda but its other strategy is to weaken mainstream churches. This is the conclusion of John Dorhauer, a United Church of Christ minister, in the Summer 2007 issue of *The Public Eye Magazine*.

Dorhauer watched as a group of extreme conservatives disrupted a South St. Louis U.C.C. congregation in 2003, causing it to secede from the denomination. He wrote sadly, "...the church has become a casualty of a 25 year-old campaign of right-wing conservatives to disrupt the mainline Protestant denominations and thereby diminish their power in support of social justice." The campaign to destabilize the mainline churches has been directed by The Institute on Religion and Democracy (IRD), "a well-funded, under the radar organization bent on fomenting dissent within and demoralizing from without Mainline Protestant denominations."

Another Religious Right pressure group, the Association for Church Renewal, is allied with IRD, forming a coalition for disgruntled conservatives within such prominent churches as the United Methodists, the Presbyterians, the Episcopal Church and the Evangelical Lutheran Church, who together have about 18 million members (down from 24 million in 1967). IRD is funded by the Adolph Coors Foundation and the Scaife Family Foundation and includes such far right luminaries as Robert Novak, Mary Ellen Bork, and Fred Barnes on its board of directors. Says Dorhauer, "For over a decade, I have witnessed the fruits of these sustained attacks on both my denomination and the local churches that comprise it. When I started my work as a regional official over four years ago, I was immediately thrown into the cauldron of conflict and dissent that erupts in churches that have been targeted for attack by trained IRD activists. I have spent the last four years learning everything I can about the IRD, their alliance with renewal groups, their funding sources, their tactics, and their motivations. They have identified me as a target because of my work."

Democracy Under Assault: Theopolitics, Incivility and Violence on the Right

by Michele Swenson

This important, compact, quite readable book could easily have been titled "Everything you might ever want to know about the theopolitical right: personalities, ideologies, agendas, connections, goals, catch phrases, propaganda gimmicks, and methods of operating."

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These New Right zealots have caused interdenominational splits and secessions (recently in the Episcopal Church), and have set up caucuses of like-minded parishes within each denomination, resulting in constant fights over policy and doctrine at annual conferences. This poisonous atmosphere is designed to weaken denominational loyalty, cause confusion and dismay among occasional church-goers and tarnish the image of moderate church leaders in the media. They have largely succeeded, thereby weakening many of the social justice groups, as well as blocking positive statements on reproductive freedom and church-state separation.

Discovering the extent of the infiltration was not easy for Dorhauer. "Given the covert nature of the organization, discovering all the ways in which their tactics have reached into the hinterlands of this denomination has not been easy. The IRD's training sessions are by invitation only and its allies within churches meet in secret."

IRD activists often use innuendo and target wedge issues, such as gay marriage and the role of scripture in church life, to stir up animosity and sow dissent. Churches with congregational autonomy are easier targets than the more hierarchical ones. Churches that make decisions democratically are primary targets. "The IRD trains people to conduct these votes as often as possible, and in as many venues as possible. Councils take votes to either support or denounce the actions of the wider church. Congregations take votes at annual meetings, or in more extreme cases in emergency meetings called to suggest that the matter at hand is so pressing it cannot wait. Congregations are forced to divide themselves and to debate issues that seem to emerge out of nowhere and which, to the surprise of many, now seem to be almost life and death matters."

Selecting sympathetic pastors, and deselecting "liberal" clergy, are additional strategies. The IRD-linked Biblical Witness Fellowship pressures congregations in mainline churches to call ministers from other denominations or those trained in conservative seminaries. This is highly disruptive but occasionally successful. Religious Right activists use deceptive language such as "tolerance" and "diversity" to promote their aims, though their ultimate goal is to destroy both. "Tolerance and acceptance are virtues, to be sure. But they become the church's most destructive devices when activists charge that the church has abandoned its desire to be tolerant when other congregants call them out for their strident, bullying, and aggressive tactics. What church leaders must be clear about is that while divergent theologies can always be tolerated, actions that are destructive of the common good cannot be justified by any theology."

Dorhauer is disheartened by these attacks on the religious values he cherishes and shares in common with many other people of good will in other traditions. "Shame, and worse, on those whose ministrations and machinations have united in grand conspiracy to undo her [the mainline church] for political gain."

Rev. Dr. John C. Dorhauer is coauthor of *Steeplejacking: How the Christian Right is Hijacking Mainstream Religion*. The entire article, "Churches Under Siege: Exposing the Right's Attacks on Mainline Protestantism," can be accessed at www.publiceye.org. ■

Tributes to Sherwin T. Wine

The strength and energy of Sherwin Wine's life and thought rested firmly on his commitment to enlightenment principles. When reason was out of fashion, he stood by it. When science was scorned, he upheld it. When secular democracy was attacked, he defended it.

He saw clearly that theocracy is one of the worst of all possible forms of government and that every step toward the establishment of religion, however disguised or rationalized, must be vigorously rejected. The tradition that stretches from Voltaire, Paine, Jefferson, and Madison to Hugo Black and John Kennedy provided Sherwin's platform: Democratic liberty and freedom of conscience are grounded in the separation of church and state. The framers of the Constitution mandated that separation, and we must preserve it.

As an individual, Sherwin was indefatigable. He undertook several major responsibilities at the same time, and performed amazingly well in all of them. His aims were undivided, even as his contributions were various. Highly gifted intellectually and an ever eloquent and entertaining speaker, he drew a wide audience. But unlike many other charismatic personalities, Sherwin's arguments exhibited rigorous thinking, well-reasoned organization and emotive balance.

In his sudden death, all who care about the future of a pluralistic, open society have lost a friend and a champion. He leaves a body of work and a cause that will continue to inform and inspire us.

—Edward L. Ericson

Edward L. Ericson, co-founder of Americans for Religious Liberty, is former president of the American Ethical Union, an Ethical Culture leader, a retired Unitarian Universalist minister, and author of Religious Liberty and the Secular State and other books.

Rabbi Sherwin Wine was a man of vision. He saw clearly what could be and he harnessed his enormous intellect and energy to achieve it. Personal sacrifice, public attacks, uncertainty about the future—nothing could deter him from his course.

As a college student, and even earlier, Sherwin adopted a secular and humanistic worldview. He went on to develop a new version of Judaism consistent with his beliefs and those of many others, a Humanistic Judaism in which secular people would be able to say what they really believed without reciting traditional religious language whose content they were uncomfortable with. The Humanistic Judaism movement that Sherwin founded now includes numerous congregations throughout North America and has a growing presence in Israel and elsewhere.

As an innovator and a rebel, and as someone who grew up in an era of open antisemitism, Sherwin was totally committed to the free society. As if the task of creating a new, nontheistic form of Judaism wasn't enough for one person, he was also a leader in promoting freedom—particularly religious freedom. In response to the increasing threat of religious entanglement with government in the early 1980s, personified by the rise of the Rev. Jerry Falwell, Rabbi Wine and others created the Voice of Reason organization, which then merged with the newly formed Center for Moral Democracy to become Americans for Religious Liberty. In the Detroit area where he lived and worked, Rabbi Wine founded the Conference on Liberal Religion, an association of liberal religious professionals, in 1985, and an advocacy group called Clergy and Citizens United in 1995. He understood that both religious and secular leaders need to work together to preserve our religious freedom.

In 1982, Rabbi Wine founded the North American Committee for Humanism, a confederation of the six major humanist organizations in North America, and The Humanist Institute, a graduate school in New

York for training humanist leaders. He served as president of both of these organizations from 1982 until 1993. The American Humanist Association honored him as Humanist of the Year in 2003.

Sherwin was a brilliant speaker, whose incisive reasoning and humor could mesmerize any audience. I remember when he was visiting us in the Washington, DC, area a number of years ago, I mentioned to him in a conversation just a few minutes before his major lecture that I thought it was important for people in our Humanistic Judaism movement to know more about Ahad Ha'am, who, about a century ago, had put forward a vision of Zionism quite different from the political version that ultimately prevailed. Sherwin proceeded to wrap his presentation around a discussion of the life and work of Ahad Ha'am, mentioning specific meetings and writings and ideas, as if he had spent hours preparing a lecture on the topic. He was able to talk spontaneously on a huge variety of topics with specificity and substance.

Those of us who had the opportunity to learn from Sherwin will always remember the unique insights and clarity that he brought to any subject. A couple of years ago I attended a weekend seminar he gave in New York on the rise of Christianity. Over the course of three days, he spoke for hour after hour with no notes on the lives of Jesus and his early followers. He successfully conveyed an understanding of modern scholarly views on this topic. He also said some things you would not be likely to hear from many other rabbis, if any, concerning the reliability of some of the more controversial New Testament accounts. His unique and convincing perspective on the story of the developing church was, as always, directed only by his commitment to intellectual integrity.

More recently, my wife and I were on a trip he led in Rome. Each morning he gave our group a one-hour lecture—again with no notes—on the history of Rome from the beginnings of the Roman empire right up to the present. Here he was, at age 78, explaining from memory the importance of a vast number of emperors, popes, and other political and military leaders without hesitating or getting a name wrong—and, most importantly, putting thousands of years of history into a framework that made sense. Then we would go out and see the Roman ruins or buildings that related to what he had talked about that morning. He was an extraordinary intellect and teacher.

But most of all, it was his personal warmth and ever-present humor that no one could resist. Sherwin genuinely cared about each person. Those of us who were fortunate enough to have known him couldn't get enough of him. His death leaves an enormous gap in each of our lives. At the same time, the values he cherished are made stronger in each of us by our memory of him. Our finest tribute can only be to live those values each day and to nurture them in others as he nurtured them in us.

—Michael Prival

Michael Prival is a member of the board of directors of Americans for Religious Liberty and a Certified Leader in the Secular Humanistic Judaism movement, in which he has been active for close to 30 years. He is a retired research microbiologist.



Sherwin T. Wine
1928-2007

Portrait by Hermina Doerr

Having known Sherwin Wine for well over 30 years, I completely concur with the tributes by Ed Ericson and Mike Prival. Everyone who had the privilege of knowing or even meeting Sherwin could not fail to be impressed by his vast learning, his energy, his optimism, his sense of humor, his empathy. His departure, premature and tragic, leaves a pair of very big shoes that no one could ever fill.

My wife Herenia was so impressed by Sherwin's book *Staying Sane in a Crazy World* that she translated it into Spanish (*Como mantener la cordura en un mundo loco*).

It was because of Sherwin Wine and Ed Ericson that Americans for Religious Liberty came into existence and has been able to make its contributions to the defense of our most cherished rights.

We who remain will now have to work all the harder to protect and promote the values to which Sherwin dedicated his life and energies and spirit.

—Edd Doerr

Edd Doerr is president of Americans for Religious Liberty.

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The Voucher Watch

A new study of the District of Columbia's voucher program shows no significant improvements in reading and math. A Department of Education report issued on June 21 said that students who had moved to faith-based and other private schools under a federal voucher initiative generally performed no better than students who remained in public schools. "Vouchers have received a failing grade," said Del. Eleanor Holmes Norton (D-D.C.). "This just makes the voucher program even more irrelevant."

George Miller (D-CA), chairman of the House education committee, told the *Washington Post*, "This report offers even more proof that private school vouchers won't improve student achievement and are nothing more than a tired political gimmick."

The \$14 million a year program was approved by Congress in 2004, providing \$7,500 vouchers to 1,800 students who attend 58 private schools, the majority of them associated with the Catholic Archdiocese of Washington, D.C.

Predictably, voucher supporters claimed that it will take several years for improvements in student test scores to show up in research data.

The president of the Horace Mann League of America, Colleen Wilcox, criticized vouchers thoroughly in an editorial, "School Vouchers Run Counter to American Tradition," which appeared in the San Jose *Mercury News* on June 20, 2007.

Here are four excerpts:

"As the president of the Horace Mann League of America, I am more conscious than ever of efforts to blur the lines of separation in our schools between church and state. I worry that these efforts will adversely affect not only the public schools, but also the democratic sensibilities on which our nation was built."

"My objection to the notion of vouchers is twofold. First, to channel taxpayers' money to private, religious schools—of any denomination—is contrary to our fundamental belief in the separation of church and state. Second, especially under a school system like California's, where a school's funding is based on attendance, diverting students into private schools would drain precious dollars away from public schools."

"Public education *is* the great equalizer. Movements toward its privatization will inevitably fracture, and ultimately break apart, the great American ideal of equalization through a public education."

"It's true that the history of our public schools has seen its share of disappointments. At certain times, in certain places, the system undeniably failed the students. But on the whole, Horace Mann's model has served us well. Some of the greatest careers our nation has seen—in politics, business, the arts, and yes, religion—have arisen out of our public schools. If, like me, you are troubled by problems that exist in our public schools, it is natural to search for solutions. I contend that the solution for schools that are not adequately serving students is to try to improve them, not abandon them."

Georgia's Republican governor Sonny Perdue signed a voucher bill into law in June. Utah's November 6 referendum on vouchers is receiving considerable attention and funding both instate and outside. ■

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Church and State in the Courts

Voting in Churches Is Not Unconstitutional

A Florida federal court rejected a claim by Florida voter Jerry Rabinowitz that using houses of worship as polling places in elections violates the Establishment Clause. On July 31, the U.S. District Court for the Southern District of Florida ruled in *Rabinowitz v. Anderson* that “the Establishment Clause claim fails as a matter of law” and “the challenged practice of having a polling place at the Emmanuel Catholic Church [in Delray Beach] does not violate the *Lemon* test.”

Judge Donald M. Middlebrooks first rejected the plaintiff’s standing to challenge all polling places in Palm Beach County that are held in churches or synagogues (approximately 100 of them), but said he could challenge the practice in his own polling place. Middlebrooks then addressed the “secular purpose” requirement by noting, “Churches and synagogues are normally suitable as polling places in that they frequently have adequate parking, are designated to hold large numbers of persons and are normally accessible to elderly and handicapped persons. . . . Rather than having a religious purpose or effect, the placement of a polling precinct at the Church had the primary effect of facilitating a secular election.”

The court rejected the argument that holding elections on religious property advances religion, forbidden under the *Lemon* test of 1971. The “practice of using the Church for voting does not convey endorsement or disapproval of religion to an informed, reasonable observer.”

The judge wrote, “As a matter of law under the *Lemon* test, an Establishment clause violation cannot exist where the state has no direct role in selecting or placing the religious symbols and messages, where there is no record evidence from a reasonable observer of confusion over state religious endorsement, and where the challenged activity has a secular purpose. . . . Voting in a secular election, even in the presence of religious objects, is not equivalent to state-sponsored prayer at a public school graduation.”

The Florida practice did not violate the “excessive entanglement” test either. “None of the Defendant’s employees at the Church participated in or monitored any religious activity, nor is there even an allegation that they supported any of the Church’s religious icons or messages.” Middlebrooks observed, “An individual’s subjective feeling is not dispositive in the *Lemon* test,” and added in a footnote, “Even if some minimal entanglement existed due to having the voting booths in a room with religious symbols and messages, the test is *excessive* entanglement.”

The Florida district court ruling cited a 10th Circuit Court of Appeals decision in 1992, *Otero v. State Election Board*, which held that using church-based polling places in Oklahoma did not violate the Federal Constitution.

The judge noted that provisions for absentee voting and early voting at neutral sites further minimize the discomfort that some voters might feel. He also wrote: “All the religious symbols and messages present in the Church were the private speech of that particular house of worship. . . . While Plaintiff may feel discomfort when viewing the religious symbols at the Church, that feeling of discomfort does not equate to a Constitutional violation in the absence of credible evidence.”



Witnesses and jurors in North Carolina courtrooms may use any religious text when being sworn in, a judge ruled on May 24. Judge Paul Ridgeway of Wake County Superior Court held that witnesses and jurors will be allowed to use the texts that are “most sacred and obligatory upon their conscience.”

The case arose when local Muslims sought to donate copies of the Koran to the courthouses in Guilford County. Two judges declined the Koran, saying that oaths sworn on the Koran or any sacred books other than “the Holy Scriptures” are illegal under North Carolina law. State law requires that witnesses must “affirm” without religious books or symbols or must lay a hand over “the Holy Scriptures.” Judge Ridgeway ruled that common law and state supreme court precedent would allow other volumes that are “binding and obligatory upon the witness’s conscience.” The state chapter of ACLU sued on behalf of a Muslim woman, Syidah Mateen, who was denied the option of swearing on the Koran. The ruling is seen as a victory for religious equality as well as recognition of the state’s growing religious diversity. “As of today, all people can use the holy text of their choice,” said Seth Cohen, the ACLU attorney who argued the case. The state may appeal the decision. Six other states require the use of the Bible in courtrooms: Arkansas, Delaware, Kansas, New Jersey, Pennsylvania and Virginia.



A federal judge ruled in June that Colorado Christian University could be excluded from the state tuition assistance program because of its “pervasively sectarian” ethos. U.S. District Judge Marcia S. Krieger said the exclusion “operates to advance a compelling governmental interest.” School officials argued that students also pursue studies in secular courses, but Krieger said the school’s argument about secular education is “misplaced” because the secular instruction at other schools is “readily severable from any religious teaching.” The judge cited the U.S. Supreme Court ruling in *Locke v. Davey* (2004) that permitted Washington State to prohibit state scholarship money to students pursuing ministerial careers. Colorado Christian’s president, former Rep. Bill Armstrong, a staunch ally of the Religious Right, has appealed the decision to the 10th U.S. Circuit Court of Appeals.



A California appeals court ruled in favor of the Episcopal Church’s Los Angeles diocese in a dispute over breakaway parishes that insisted on keeping their property even after severing ties with the national church three years ago. The June 25 ruling by the Fourth District Court of Appeal in Santa Ana declared, “The right of the general church in this case to enforce a trust on the local parish property is clear.”

The court insisted that doctrinal considerations were irrelevant, since church law in hierarchical dominations clearly vests property in the diocese, not local parishes. Three parishes in Newport Beach, Long Beach and North Hollywood placed themselves under the jurisdiction of the Anglican Church in Uganda. The dissident parishes are considering an appeal to the California Supreme Court.



The Texas Supreme Court dismissed a lawsuit filed by a woman who charged that her church's pastor and elders had violated her right to privacy when they revealed her extramarital relationship to the congregation. The Texas court's unanimous June 29 ruling held that courts could not intervene in the internal affairs of churches. The highest state court reversed an appeals court decision that the woman, Peggy Penley, could sue Rev. Buddy Westbrook for professional negligence because he was acting as a marriage counselor, not a pastor. In the opinion, Justice Harriet O'Neill said the church had a First Amendment right to govern itself. The church in question, Crossland Community Bible Church, sent letters to all congregation members urging them to shun Penley. Penley's attorney indicated he might appeal to the U.S. Supreme Court. The church was supported by the Liberty Legal Institute, a Religious Right group, the Southwestern Baptist Theological Seminary, and the National Association of Evangelicals.



The payment of dues to labor unions cannot be required if an individual refuses for religious reasons, according to a federal court ruling in Ohio. The court broadened its religious definitions, which had applied only to Mennonites and Seventh-day Adventists, after a Roman Catholic teacher refused to pay dues to the National Education Association because of its pro-choice position on abortion. The teacher, Carol Katter, initially sued the State Employment Relations Board after her objections were denied. An Ohio law allows members of religions that hold "historic conscientious objections" to opt out of paying labor union dues. U.S. District Judge Gregory Frost struck down the law, holding that it discriminated against other religions. Anyone with a sincerely held religious objection to union positions should be exempt from paying dues, he said.



The U.S. Supreme Court gave public schools more power to regulate student speech that promotes illegal drug use. The narrowly-drawn ruling on June 25 in *Morse v. Frederick*, by a 5 to 4 vote, was a victory for school administrators, but its scope was limited to the advocacy of illegal drug use by Justices Alito and Kennedy, who refused to broaden the ruling as the Bush administration and the National School Boards Association had wanted. On the losing side was an odd coalition of civil libertarians, gay rights advocates and conservative Christian legal organizations. The Christian groups feared that a broader decision could have silenced students who wanted to express religion-based opinions on political issues, particularly ones related to homosexuality. In effect, no side was completely happy. *Washington Post* staffer Charles Lane noted, "But yesterday's ruling was the first time the court has said that schools can prohibit a student expression that was neither obscene nor published under the school's auspices."

The case originated in Juneau, Alaska, in 2002 when a principal suspended a student who displayed a banner at a school-sponsored event that was construed as favoring marijuana use.



The U.S. Court of Appeals for the Sixth Circuit ruled that a Michigan ban on late-term abortions was unconstitutional. The statute, called the Legal Birth Definition Act, was so broadly written that it could ban other legal abortion methods, according to the appellate court. Judge Boyce Martin wrote that the law "showed no meaningful attempt to

comply with the constitutional limitations articulated by federal courts in the area of abortion law." The decision upheld a 2005 district court ruling that the Michigan statute placed "an undue burden" on a woman's right to seek an abortion. The court also frowned on the term "perinate," supposedly a partially delivered fetus given protected legal status by Michigan lawmakers. The court said the term was not commonly used by the medical profession. The June 4 decision came less than two months after the U.S. Supreme Court narrowly upheld a federal ban on a particular kind of procedure called "partial birth abortion."



A Lutheran facility for wayward youth in North Dakota was sued in federal court on June 19 by the Freedom From Religion Foundation. The suit charged that North Dakota officials are using public funds for foster care programs that constitute religious indoctrination. "The Dakota Boys & Girls Ranch provides services to children in the context of an explicitly Christian community, including post-release mentoring services, which are publicly funded with taxpayer appropriations," the lawsuit charges.

The Dakota Ranch is affiliated with both the Lutheran Church Missouri Synod and the Evangelical Lutheran Church in America, which together form the largest religious community in North Dakota. About \$7 million in public funds, 70% of the organization's budget, come from government sources. Carol Olson, executive director of the state's Human Services Department, said public money is not used for religious programs. "Private donations support their spiritual life programs," Olson told the Associated Press. Lisa Bjergaard, director of the state's Division of Juvenile Services, said that church attendance by the residents is voluntary.

The ranch maintains three residential facilities for 124 children as well as day programs for 90 at risk young people. The ranch's web site says it "helps children and families succeed in the name of Christ."

The suit claims that "children are disciplined for refusing to participate in the spiritual aspects' of their therapy and that objectionable behavior is deemed a 'corruption in the eyes of Jesus Christ.'" It charges that the children are "a captive audience and a vulnerable population that is unabashedly being indoctrinated in Christianity. They are being committed by the county or the state without their consent."

The defendants in the case are the North Dakota Division of Juvenile Services and the Ward County Social Services Department. ■

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Updates

Americans Divided on Evolution

The latest Gallup Poll shows Americans are divided almost equally on evolution, with 49% “believing in evolution,” and 48% rejecting it. The percentages have changed little in a quarter century. A slightly different question elicited similar findings to polls conducted since 1982 by the nation’s oldest polling organization. The data show that 38% believed in evolution with a divine creation at the beginning. (The question was “man developed over the centuries with God guiding.”) Nearly the same percentage (43% in 2007, 44% in 1982) believed that “God created human beings pretty much in their present form at one time within the last 10,000 years or so.” The number who agreed that “Human beings have developed over millions of years from less advanced forms of life, but God had no part in this process,” increased from 9% in 1982 to 14% in 2007, pretty much reflecting the increase in the number of Americans who call themselves secular or nonreligious.

The poll could have political implications, since Republicans and Democrats have divergent views on the subject.

Gallup Poll director Frank Newport explained, “The majority of Republicans in the United States do not believe the theory of evolution is true and do not believe that humans evolved over millions of years from less advanced forms of life. This suggests that when three Republican presidential candidates at a May debate stated they did not believe in evolution, they were generally in sync with the bulk of the rank-and-file Republicans whose nomination they are seeking to obtain.

“Independents and Democrats are more likely than Republicans to believe in the theory of evolution. But even among non-Republicans there appears to be a significant minority who doubt that evolution adequately explains where humans come from.

“The data from several recent Gallup studies suggest that Americans’ religious behavior is highly correlated with beliefs about evolution. Those who attend church frequently are much less likely to believe in evolution than are those who seldom or never attend. That Republicans tend to be frequent churchgoers helps explain their doubts about evolution.”

The poll found that 61% of Independents, 57% of Democrats and only 30% of Republicans believe in evolution.

House Passes Stem Cell Research; Bush Vetoes

On June 7 the U.S. House of Representatives voted 247 to 176 for a bill easing restrictions on federal financing of embryonic stem cell research. The Senate passed a similar bill in April. The Stem Cell Research Enhancement Act received the support of 93% of Democrats (210-16) and 18% of Republicans (35-160). This 75-percentage point gap shows the difference between the parties on social issues, but it is

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even higher on abortion-related and gay rights issues. On May 3, for example, H.R. 1592, which provides federal assistance to states to fight hate crimes, received support from 94% of Democrats and 13% of Republicans in its 237-180 final vote—a difference of 81 percentage points. President Bush vetoed the Stem Cell Act on June 20.

Los Angeles Diocese Makes Large Settlement

The Roman Catholic Archdiocese of Los Angeles, which claims nearly 4.5 million members and is America’s largest Catholic diocese, agreed to pay \$660 million to 508 victims of clerical sex abuse. The settlement was formally presented to Los Angeles County Superior Court on July 16, the day the church and its insurers were scheduled to face trial on the first of many claims arising from sexual abuse by clergy. A civil lawsuit by 14 plaintiffs had been set for that date.

The average pay-out was \$1.3 million. Diocesan attorney J. Michael Hennigan said that parish assets would not be involved and that the church’s many programs “will be impacted but not crippled.” The diocese itself will pay \$250 million, with the rest coming from insurance companies and religious orders. The *Los Angeles Times* reported that the archdiocese owned real estate worth more than \$4 billion.

This is the largest settlement in the U.S. Five dioceses have declared bankruptcy rather than face jury trials: San Diego, Tucson, Spokane, Davenport, and Portland, Oregon.

Throughout the U.S., the Catholic Church has reportedly paid \$2 billion in claims arising from clergy sexual abuse since 1985.

Foes of Evolution Target Biochemists

The July 13 newsletter of the National Center for Science Education (NCSE) details a new campaign by creationists. Glenn Branch writes, “Writing in *Trends in Biochemical Sciences* (2007; 32 [7]: 322-331), Barbara Forrest and Paul R. Gross take the case against ‘intelligent design’ to biochemists. Forrest and Gross are the authors of the definitive history of the ‘intelligent design’ movement’s so-called Wedge strategy, *Creationism’s Trojan Horse: The Wedge of Intelligent Design*—now available in paperback (Oxford University Press, 2007) with a new chapter on *Kitzmiller v. Dover*, in which Forrest, a member of NCSE’s board of directors, was a pivotal expert witness for the plaintiffs.

“Creationists are attempting to use biochemistry to win acceptance for their doctrine in the public mind and especially in state-funded schools. Biochemist Michael Behe is a major figure in this effort. His contention that certain cellular structures and biochemical processes—bacterial flagella, the blood-clotting cascade and the vertebrate immune system—cannot be the products of evolution has generated vigorous opposition from fellow scientists, many of whom have refuted Behe’s claims. Yet, despite these refutations and a decisive defeat in a U.S. federal court case, Behe and his associates at the Discovery Institute continue to cultivate American supporters. They are also stepping up their efforts abroad and, worryingly, have achieved some success. Should biochemists (and other scientists) be concerned? We think they should be.”

Blaine is Back

The U.S. Commission on Civil Rights heard testimony on June 1 relating to the so-called Blaine Amendments that exist in 35 state constitutions. They prohibit government aid to religious institutions of

various kinds, primarily faith-based schools. Voucher proponents have for years made these provisions targets of an aggressive campaign to label them artifacts of 19th century bigotry against Catholics.

The historical record is more nuanced, however, since several states, including Colorado, adopted such measures long before Rep. James Blaine of Maine proposed a federal constitutional amendment in 1875. (For some historical background, see “Blaming Blaine” by Albert J. Menendez in *Voice of Reason* No. 83).

The same tired arguments were dragged out at the Commission hearing by representatives of two right-wing, pro-voucher groups, The Becket Fund for Religious Liberty and the Institute for Justice.

Countering them was K. Hollyn Hollman, general counsel of the Baptist Joint Committee, who said, “Painting such provisions with a broad anti-Catholic brush is a flawed tactic that betrays our country’s rich history of religious freedom. The effort is one that portrays laws that prohibit government funding of religion as sharing a common and pernicious heritage that has resulted in discrimination against religion. In fact, neither the heritage nor the result of such laws can fairly be equated with religious discrimination.”

Admitting that anti-Catholic prejudice undoubtedly shaped some of the original debates, she cautioned, “The relevance of historical animus of some toward immigrants in the 19th century to current debates over funding religious schools is highly questionable since the state constitutional provisions are applied broadly to all religious institutions and do not discriminate based upon particular religious denomination.”

The Commission is expected to issue a report to Congress and the White House within a year.

House Reverses Contraceptive Aid Ban

By a 223-201 vote on June 21, the U.S. House voted to reverse a ban on contraception aid to overseas organizations that had been barred from receiving it by the Bush administration. The vote was a rebuke to Bush, who has supported the Reagan-era restriction on any group that provides or even advocates abortion services. The amendment’s sponsor, Rep. Nita Lowey (D-NY), said, “What I did was put in a very narrow provision that will reduce abortion, unintended pregnancy and reduce the spread of HIV/AIDS.” NARAL Pro-Choice America President Nancy Keenan said, “Today’s vote marks an important first step toward reversing a seven-year policy to block reproductive health services for women overseas.”

Democrats voted 207-24 (89.6%) in favor while Republicans opposed it 177-16 (8.3% for). Most of the Republicans who voted yes were Protestants from the north, while most of the Democrats who opposed the change were Southern Protestants, with a few Northern Catholics. However, the change has to pass the Senate and get by a likely presidential veto.

Louisiana, Missouri Tighten Abortion Laws

Louisiana became the first state to ban late-term abortion procedures since the U.S. Supreme Court upheld a federal law outlawing “partial-birth” abortions in April. The Louisiana legislature approved a bill on June 26 that bans the procedure except in cases where the mother’s life is endangered. No exceptions were made in cases of health problems that are not life-threatening. The bill also imposes fines of up to \$10,000 and a jail term of one to ten years for doctors who perform the surgery. Outgoing governor Kathleen Babineaux Blanco signed the bill in July.

In Missouri, Governor Matt Blunt signed a bill into law on July 6 that places new regulations on abortion providers and new restrictions

on sex education classes in public schools. Abortion clinics are now classified as “ambulatory surgical centers” and must be remodeled and re-staffed. Abortion clinic staff are also banned from teaching or supplying materials for public school sex education courses, which may now offer abstinence-only programs rather than comprehensive instruction. Planned Parenthood opposed the new measure and may challenge it in court.

Jewish Charter School to Open in Fall

The Ben Gamla Charter School is scheduled to open in September at the Hallandale, Florida, Jewish Center. Its principal is Rabbi Adam Siegel. The curriculum, including Hebrew language instruction, will be based on Jewish tradition, according to a report by the South Florida *Sun-Sentinel*. The school will receive \$360,000 in taxpayer money. Critics say this violates the concept of charter schools, which are supposed to be nonreligious public schools with a nontraditional curriculum. Rabbi Allen Tufts, of Hollywood’s Temple Beth El, said that taxpayers should not be financing religious education. Several Hebrew day schools have also criticized the school, seeing it, perhaps, as a rival. Ben Gamla’s supporters, including former U.S. Congressman Peter Deutsch, say only Hebrew language programs, not Jewish religious studies, will be offered at the school. Susan Onori, Broward County charter school director, told the *Sun-Sentinel* that “many of Broward’s 48 charter schools are in churches and temples, and all religious symbols are supposed to be covered during the day.”

Church Politicking Increases Sharply

The IRS reported in June that it had investigated 237 cases of improper political activity by churches and other tax exempt groups during the 2006 election, a 43% increase over the 166 complaints it reviewed in 2004. Charges that church officials endorsed candidates from the pulpit, however, declined from 19 to 13.

Conservatives Dominate Religious Freedom Commission

Recent appointments by President Bush and Senate Majority Leader Harry Reid have strengthened the conservative wing of the U.S. Commission on International Religious Freedom, which recommends policy to the State Department. Bush reappointed Michael Cromartie, a leading evangelical at a Religious Right think tank, the Ethics and Public Policy Center in Washington, D.C. He also named Leonard Leo, executive vice president of a conservative legal pressure group, The Federalist Society, and a White House adviser on Catholic issues, to the Commission, along with Imam Talal Y. Eid, director of religious affairs at the Islamic Institute in Boston. Reid selected Don Argue, a former president of the National Association of Evangelicals.

Religious Visa Proposal Draws Fire

A proposed change affecting visas for “religious workers” has drawn criticism from a number of religious groups, who say the proposals will discriminate against them. U.S. immigration law recognizes a category of religious workers who enter the nation on a special work permit to perform certain designated jobs, such as Catholic nuns, Baptist church administrators, and Hindu stonemasons, among others. About 11,000

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such visas are issued annually. Now, the U.S. Citizenship and Immigration Services is issuing new directives and definitions that may restrict or curtail religious workers who apply at U.S. consulates abroad. Scientologists, Mormons, Jews and Hindus have expressed concerns that the new definitions are discriminatory. Government officials say they are trying to crack down on fraudulent entries. A 2005 Department of Homeland Security analysis of 220 religious worker petitions found that one-third were fraudulent. Individuals gave false employers in some instances and claimed theological training that was nonexistent.

The proposed changes would require employers to file petitions in the U.S. before consulates could issue or renew visas. The government would also make on-site inspections.

Key terms are also being changed which, critics charge, favor Christian and Jewish groups at the expense of Hindus, Jains and other Asian religions. Positions classified as “primarily administrative in nature” might be eliminated. Regulations also require that missionaries be paid, which would impact the 1,500 Mormon volunteers who pay for their activities out of their own funds. Groups as varied as Mennonites and Scientologists say the proposals will harm their programs and may violate the religious neutrality by government that is required by the Constitution.

Hindu Senate Prayer Stirs Controversy

The first-ever prayer offered by a Hindu priest in the U.S. Senate on July 12 was interrupted by three Protestant fundamentalists who shouted “abomination” from the gallery. They were arrested by Capitol police for disrupting Congress. The Mississippi-based American Family Association urged its members to protest the appearance of Rajan Zed, director of interfaith relations at a Hindu Temple in Reno, Nevada. In a curious bit of religious ignorance, the group claimed Zed would be “seeking the invocation of a non-monotheistic god.” Two other extremist Christian organizations, Operation Rescue and Faith2Action, also criticized the appearance of a Hindu chaplain, calling Hinduism “a false religion with false gods.”

Senate Majority Leader Harry Reid, a fellow Nevadan, invited Zed and defended his choice. “If people have any misunderstanding about Indians and Hindus, all they have to do is think of Gandhi, who gave his life for peace.” The Hindu America Foundation sent letters to presidential candidates and U.S. Senators asking them to denounce these actions.

Pennsylvania Settles Prison Case

As reported in our last issue, Bradford County, Pennsylvania, authorities agreed to cease funding an unconstitutional prison program run by the evangelical Firm Foundation group. The first step was taken on June 8 when a state agency, the Pennsylvania Commission on Crime and Delinquency, agreed that state and federal funds cannot be used to support coercive religious activities in the state’s prison system. The case, *Moeller v. Bradford County*, was initiated in 2005 by a local citizens group, the Bradford County Alliance for Democracy. The state agreed to accept the following requirements:

- Public funds will not be used to support inherently religious activities, such as worship, religious instruction or proselytization.
- Public funds will not be used to purchase religious materials or pay for the supervisory, administrative, labor or other costs of construction, maintenance or repair of buildings that are used primarily as houses of worship or primarily for inherently religious activities.

- The staff of organizations receiving tax funds may not pressure or coerce any participant in the funded programs to attend or participate in any inherently religious activities.
- Groups receiving public support must keep the grant funds separate from any funds used to support inherently religious activities and must maintain separate financial records for the account that contains the grant funds.
- Organizations receiving tax funds may not discriminate against or among beneficiaries or participants based on religion, a religious belief, a refusal to express or hold a religious belief or a refusal to attend or participate in religious activities.

Staunch Conservative Appointed in Wyoming

Wyoming’s newly-appointed Republican U.S. Senator, John Barrasso, is a firm opponent of choice on abortion, and gay marriage, and favors prayer in schools. In a submission to the Republican State Central Committee, Barrasso wrote, “In addition to receiving an ‘A’ rating from the National Rifle Association, I have voted for prayer in schools, against gay marriage and have sponsored legislation to protect the sanctity of life.”

Barrasso has been a Wyoming state senator since 2002. Under Wyoming law, the governor must appoint a senator from the same party as the incumbent. Senator Craig Thomas died in early June. Three names were submitted to the Democratic governor from the Republican Party.

Barrasso is an orthopedic surgeon. In his early career he took a pro-choice position. In 1994 he opposed a constitutional amendment that would have banned most abortions. It was overwhelmingly rejected by voters. When Barrasso ran unsuccessfully for the GOP nomination to the U.S. Senate in 1996, he said that abortion should be a decision between a pregnant woman and her doctor. But as state senator, he has sponsored numerous anti-choice bills. Sharon Breitweiser, state executive of NARAL, told the *Casper Tribune*, “We had considered him mixed on choice. Now we consider him to be anti-choice.” Barrasso is the twelfth member of Congress to hold a medical degree.

Extremists Still Advocate Theocracy

The last week of May saw a gathering of right-wing zealots at a Southern Baptist retreat center near Asheville, North Carolina. The Life Way Ridgecrest Conference Center in the placid Blue Ridge Mountains was the setting for anything but peaceful reflection. A band of Religious Right faithful called American Vision, founded in 1978 and headquartered in Powder Springs, Georgia, called a conference that immodestly proclaimed, “Preparing This Generation to Capture the Future.”

American Vision is an arm of the far-out Christian Reconstructionist movement, a shadowy movement advocating the abolition of secular democracy and the imposition of what they call “biblical law” on American society and government. They are the Protestant counterparts to the Taliban and the Shariah law code of fundamentalist Islam.

They are so extreme that they have no direct links to any political party, though it is likely that they support the Republican rightward flank.

This May’s gathering was co-sponsored by the Alliance Defense Fund, a legal outfit in Arizona that has filed an increasing number of lawsuits promoting fundamentalist Christian proselytizing in public schools, and the Home School Legal Defense Association. Also involved were Jerry Falwell’s Liberty University School of Law and *World* magazine, also powerhouses of influence on the Religious Right.

Ohio Okays Head Scarves

Muslim women may wear head scarves when sitting for a driver's license photo in Ohio. The state Bureau of Motor Vehicles decided in July that clerks were wrong to require two Muslim applicants to remove their hijabs, which they see as an expression of modesty.

Hindus Claim Persecution

A Hindu human rights group, based in Kensington, Maryland, cited 10 countries as centers of discrimination against Hindu citizens. The report, "Hindus in South Asia and the Diaspora: A Survey of Human Rights 2006," condemned a number of predominantly Muslim countries, including Afghanistan, Bangladesh, Malaysia, Pakistan and Saudi Arabia. Two Buddhist countries, Bhutan, where Buddhism is the state religion and Hindus are a 25% minority, and Sri Lanka, a 69% Buddhist country with 15% Hindu minority and smaller numbers of Christians and Muslims, were criticized. A long civil war between Buddhists and Hindus has raged in Sri Lanka.

Kazakhstan, which is 47% Muslim and 44% Russian Orthodox Christian, made the list. So did the Pacific Island nation of Fiji, which is 52% Christian and 38% Hindu. A surprising nation included was the Caribbean nation of Trinidad and Tobago, a lively multi-cultural democracy where Christians, Hindus and Muslims have long coexisted. Hindus constitute a quarter of the island nation's population.

The Hindu American Foundation also criticized the contested region of Kashmir for alleged human rights abuses against Hindus. Nothing was said, however, about Hindu discrimination against Christians and Muslims in several Indian states or in Nepal, where Hinduism is the state religion.

Congress Members Want Chaplain Investigation

In a follow-up to reported cases of religious discrimination at the National Institutes of Health (NIH), reported in *Voice of Reason* No. 99, members of Congress are demanding a full investigation. A bipartisan group of 14 House members has demanded that Health and Human Services (HHS) Secretary Mike Leavitt order an inspector general's investigation into the chaplaincy program at NIH. Two chaplains have already filed complaints with the Equal Employment Opportunity Commission (EEOC) while a third has sued HHS in federal district court in Maryland. The target is the former head chaplain, Rev. Ray Fitzgerald, who has been accused of anti-Catholic and anti-Jewish discrimination in hiring practices and in public slurs against Catholic, Jewish and Greek Orthodox chaplains.

In July HHS brought in a team of specialists to review the department but Rep. Steven Rothman (D-N.J.) said, "I have no confidence in their internal review. It is just outrageous that the NIH could be tolerant of this kind of bigotry in its own ranks and in its own building." Rothman inserted language into an appropriations bill approved by the full House in July that calls for an investigation by the inspector general.

Rev. Fitzgerald, a Methodist minister, remains on the staff though he was demoted in April. Rothman was angry that Fitzgerald still had a prominent role in a NIH ceremony honoring U.S. Public Health Service employees in July. Rothman added, "It is outrageous, and it indicates to me a monumental lack of judgment on the part of the people at the NIH... and a slap in the face to Congress."

ARL in Action

Both Edd Doerr and Al Menendez had article-reviews in the Summer 2007 issue of *Conscience*, the quarterly news journal of Catholics for a Free Choice. Doerr wrote about Damon Linker's *The Theocons* while Menendez reviewed David Kuo's *Tempting Faith*.

Doerr's conversation with author Christopher Hitchens was broadcast on National Public Radio's "Interfaith Voices" program on July 12. The subject was the rise of a new atheist militancy.

Al Menendez provided an original chart comparing the religious affiliations in Congress in 1964 and 2006 to "The Week in Review" section of *The New York Times*. The material accompanied Michael Luo's article "GOP '08," which appeared in the Sunday, July 22, issue of the paper.

International Updates

Brasilia: Brazil's government added "morning-after" pills to its newly expanded birth control program. Health Minister José Gomes Temporão announced in July. Cheap contraception will be available at 10,000 drug stores throughout Latin America's largest nation in hopes of reducing unwanted pregnancies and illegal abortions. The government-subsidized programs will offer a year's supply of contraceptives at \$2.40. The government of recently reelected President Luiz da Silva is also moving to reduce the 800,000 illegal abortions and 4,000 deaths resulting from them by moving toward legalization during the first twelve weeks of pregnancy. Abortion is legal in Brazil only for rape or life-threatening pregnancies. Archbishop Geraldo Majella accused the government of promoting immorality, echoing the comments made by Pope Benedict XVI during a visit in May.

Jiddah: Three members of Saudi Arabia's notorious religious police went on trial in June for their involvement in the death of a man in their custody. This action against the Commission for the Promotion of Virtue and Prevention of Vice is unprecedented. Nicknamed the religious police or the Control Squad, the commission has 500 offices throughout the kingdom and employs 10,000 people. Their main function is to make sure that shops are closed during prayer times and that women are properly covered. Fraternalization between unrelated men and women is also forbidden, as is prostitution, pornography, and the sale or consumption of intoxicating beverages. Until last year, commission members arrested, detained and interrogated suspects but the Interior Ministry limited their powers. They are supposed to hand over suspects to the police.

Two men have recently died in the custody of the religious police, and newspapers are writing about the abuse of power long associated with the group. The nation's rulers, however, are unlikely to abolish the religious police, and interior minister Prince Nayef tried to minimize the commission's involvement.

The religious police are part and parcel of the nation's intense religious culture. Faiza Ambah, of the *Washington Post* Foreign Service, observed, "The commission is the enforcement arm of Saudi Arabia's official religious establishment, which imposes the strict Wahhabi interpretation of Islam, named after its 18th-century founder, Muhammad bin Abdul-Wahhab."

London: Britain granted a knighthood to Salman Rushdie, author

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of the controversial 1988 book, *The Satanic Verses*. He was one of 950 honorees chosen for British government honors on Queen Elizabeth's official June 16 birthday. The accolade caused condemnations throughout the Muslim world. Pakistani officials summoned the British high commissioner in Islamabad, Robert Brinkley, to express their disapproval. The Pakistani National Assembly passed a resolution on June 19 decrying the honor and demanding that Britain withdraw the knighthood. Pakistan's parliamentary affairs minister, Sher Afgan Khan Niazi, said the award would "encourage people to commit blasphemy against the prophet Mohammad."

Pakistan's religious affairs minister, Mohammad Ejaz-ul-Haq was reported to have said, "If someone commits suicide bombing to protect the honor of the prophet Mohammad, his act is justified." Britain expressed "deep concern" over his remarks to Pakistani officials and noted that two Muslim citizens of the U.K. also received the Queen's honors.

Iran also condemned the honor. The Islamic Republic's Foreign Minister, Mohammad Ali Hosseini, thundered, "Giving a medal to someone who is among the most detested figures in the Islamic community is ... a blatant example of the anti-Islamism of senior British officials."

Malaysia: Malaysia's highest civil court ruled that a convert to Christianity is still, in effect, a Muslim under that country's laws. Lina Joy, who was born Muslim but adopted Christianity, had asked that her religious change be reflected on her government identity card. The National Registration Department refused to do so, and Joy appealed to a civil court, which ruled that she must go to an Islamic Shariah court. A three-judge Federal Court ruled two to one, with two Muslims in the

majority, that only a Shariah Court could remove Islam from the religion category on the card. "She cannot simply at her own whims enter or leave her religion," Judge Ahmad Fairuz said. "She must follow rules." The non-Muslim judge said it was "unreasonable" for her to go before a Shariah Court, because apostasy from Islam is treated as a crime and punished by fines and jail sentences. International human rights groups denounced the decision as a violation of the nation's religious freedoms supposedly guaranteed in the Constitution. Joy's only remaining options are to leave Malaysia, return to Islam, or appear before the Islamic Court. Malaysia is considered a "moderate" Muslim country, but proselytizing Muslims is forbidden by law.

Strasbourg: The European Court of Human Rights ruled on June 29 that Norway's mandatory religion classes in public schools violated Article 2 of the European human rights convention. Seven families had wanted to exempt their children from the Lutheran-oriented courses in 1997 but had failed to convince authorities in Norway that their case was just, even losing in the Supreme Court. They appealed to Strasbourg. The decision was hailed by the Norwegian Humanist Association. The religion courses (called KRL) may have to be altered to include more than Christian viewpoints, or halted altogether, according to a Norwegian newspaper, *Aftenposten*. The Evangelical Lutheran Church remains Norway's state church but its influence has been waning for decades.

Vatican City: On June 13 the Vatican suspended financial aid to Amnesty International and called on Catholics to stop supporting the international human rights group. Amnesty recently urged access to abortion services for women who had been raped or whose health was endangered by pregnancy. Cardinal Renato Martino cited this policy as the reason for the suspension of aid.

What They Are Saying About Religion and Politics

You can't go far in the magazines and periodicals section of a bookstore or library without encountering writing about religion and politics. While much of it is superficial and forgettable, there are some recent articles that deserve scrutiny. Here are some:

Paul Waldman, writing in *The American Prospect's* web site on June 13 (www.prospect.org), cites research showing that evangelicals are even more likely to be conservative and to vote Republican if they live around "secularists" or nonreligious folk. "It turns out that, even when you control for factors like party identification, the more secular people there were within a county, the more likely that people from evangelical denominations living there would vote Republican."

Waldman suggests that the secular electorate is on the verge of making a political breakthrough and could "achieve a new awakening of its own as a political and social movement." This "tribalism" may not be a positive development in the long run. Waldman writes: "Of course, the more non-believers publicly identify as a coherent group with a political agenda, the more threatening they will become to the highly religious, pushing those true believers to cling more tightly together in the political realm in response. That response will no doubt include lots of antagonism toward the rising secularist menace.

"Such a cycle of hostility isn't necessarily inevitable. After all, non-believers tend to view their own thoughts about religion as being the inevitable result of the application of reason, not as an identity passed on by their parents or forced on them by some

insular community; so they may be uncomfortable thinking of themselves as a tribe. But that doesn't mean they won't vote that way."

Waldman calls attention to an article in *The Journal of Politics* last year by University of Notre Dame political scientist David Campbell. Studying the 1996 and 2000 presidential elections, Campbell found that: "In both elections, evangelicals were more likely to support Bush where secularists have a greater share of the population, which is consistent with the hypothesis that the political salience of being an evangelical Christian is greater in more secular environments because of the tension evangelical Christians feel with secular society. Secularists, however, were unaffected by the presence of evangelicals in their community in either election." This concept of "threat" is the most recent example of political science's verification of group conflict as a central factor in politics. Campbell concludes that "religious-based conflict is a long-standing feature of U.S. politics." This is likely to continue, or even to intensify, in the years ahead. "Looking to the future, in our polarized social and political climate it is likely that the religious threat effect observed in 1996 and 2000 will persist. ... Evangelicals are well-entrenched in the Republican party apparatus. We can thus expect to see GOP candidates continue their mobilization of this constituency with messages designed to heighten their sense of embattlement, stressing issues like abortion, gay marriage, euthanasia, stem-cell research, and the permissibility of religious expression in public schools and buildings."

Books and Culture

Infidel, by Ayaan Hirsi Ali. Free Press, 2007, 353 pp., \$26.00.

Ayaan Hirsi Ali is a remarkable woman. Still in her 30s, born in Somalia, she has lived in Saudi Arabia, Ethiopia, Kenya, the Netherlands, and the US. Multilingual (Somali, Arabic, Swahili, Amharic, Dutch, English), she is an accomplished writer, speaker, and politician. Raised and educated as a devout Muslim, she has come to be one of Islam's most severe critics, particularly with regard to Quranic theory and practice regarding women's subjugation. Herself a victim of female genital mutilation, discrimination, and forced marriage, she has become the most prominent voice for voiceless Muslim women.

Hirsi Ali is equally critical of fundamentalist Muslim dogmatism and authoritarianism, pointing out the damage to Muslim societies by their religion's missing the enormous advantages of anything like the European Reformation and Enlightenment.

Infidel is her life story, from birth and childhood, through the experiences of living in Somalia, Saudi Arabia, Ethiopia and Kenya, and her eventual immigration to the Netherlands, where she furthered her education, became involved in Dutch politics, and got elected to parliament. In her struggle against Muslim mistreatment of women she became involved with maverick filmmaker Theo Van Gogh in producing a hard-hitting TV exposé, "Submission" ("Islam" in Arabic), which resulted in Van Gogh's assassination by a Muslim fanatic and such serious threats to her life that she was provided around the clock police protection by the Dutch government. Her remaining in the Netherlands, even under police protection, became so troublesome that she came to the US, however, where she now works for a Washington think tank.

Of especial interest to Americans was Hirsi Ali's opening the attack on the Dutch constitutional policy, going back to the early 20th century, of providing full tax support for faith-based schools. She makes the point that if the support goes to Catholic and Protestant schools, however attenuated religion may have become in the Netherlands, such support would have to go also, as it has started to do, to conservative Islamic schools which perpetuate the promotion of abuse of females. The same mess will occur in the US if the Religious Right campaign for school vouchers is successful.

This book will appall and anger readers, but it is surely one of the most important published this year.

—Edd Doerr

Scientists Confront Intelligent Design and Creationism, edited by Andrew J. Petto and Laurie R. Godfrey. W.W. Norton, 2007, 463 pp., \$27.95

This sequel to ARL advisory board member Godfrey's 1983 *Scientists Confront Creationism* consists of 16 chapters by leading scholars in sections labeled "Creationism and 'Intelligent Design,'" "Scientific Perspectives," and "Understanding Science." The first and third sections address political, social and religious issues raised by the "ID" movement.

The book makes clear that ID is simply the latest iteration of "scientific creationism" and antievolutionism, not the new scientific theory or idea proponents claim. Indeed, it is a direct reinvention of an ancient wheel—the two-century old "argument from design" which says that plants and animals appear to be designed and, therefore, there is a Designer—God. The book's middle section addresses specific scientific issues such as life origins, age of the Earth, cosmology, transitional forms, complexity, human emergence, and specific ID claims. Contributors

include Ronald Numbers, Eugenie Scott, Victor Stenger, G. Brent Dalrymple, Antonio Lazcano, Kevin Padian, Kenneth Angielczyk, Robert Dorit, Wesley Elsberry, C. Loring Brace, Robert Pennock, Norman Johnson, J. Michael Plavcan, Alice Kehoe, the editors, and myself.

Critics of creationist assaults on science and public schools should own both this book for its detailed critique of creationism by experts. It is accessible to the general reader and should be in the library of every friend of public school science education. Each chapter has a good bibliography, and the book is well-indexed.

—John R. Cole

John Cole holds a Ph.D. in anthropology from Columbia University and is a member of the board of the National Center for Science Education.

The Battle Over School Prayer: How Engel v. Vitale Changed America, by Bruce J. Dierenfield. University Press of Kansas, 2007, 263 pp., \$35.00 cloth, \$15.95 paper.

The author makes history come alive by interviewing many of the surviving plaintiffs, defendants and lawyers who participated in the first successful challenge to organized daily prayer in public schools—the *Engel v. Vitale* case decided by the U.S. Supreme Court in 1962. As such, it is a readable book well grounded in legal, political and cultural history. Writes Dierenfield, "The prayer controversy has been a critically important issue in U.S. history for several reasons. First, it reveals the dominance that Protestants have exercised over major institutions from government to education to culture. Second, because of its extraordinary longevity, the dispute over religion in public schools marks an exception—abortion being another—to the general pattern that U.S. politics resolves issues relatively quickly. Moreover, the simmering dispute persuaded the country's largest religious minority—Roman Catholics—to create a parallel school system, which eventually generated its own demands on the public purse for textbooks, transportation, and even teachers. Finally, the dispute led to a remarkable change in U.S. jurisprudence. The Warren Court determined that the long-standing practice of school prayer violated the First Amendment's establishment clause. Schools that had been founded to instill religious truths were now, the U.S. Supreme Court decided, to be inoculated from religious instruction and worship altogether. It was a remarkable turn of events."

The author states his objective: "This book provides an introduction to the history of religious practices in U.S. public education, especially organized school prayer, the judiciary's most significant decisions concerning them, and the social and political fallout from such decisions."

He succeeds in this endeavor. He starts by showing how widespread certain religion practices were in public schools in 1960, with 42% permitting Bible reading and 33% mandating prayer in homerooms. Christmas celebrations were almost universal (88%) as well as Bacca-laureate services (87%). A majority of schools celebrated Thanksgiving (77%) and Easter (58%) but only 4% held academic Bible classes.

Dierenfield, a professor of history at Canisius College, traces the history of school prayer from the early days of public education until the controversy finally reached the courts in the early 1960s. He understands the problem. "The practices of one religious group are invariably not acceptable to another. Adopting one prayer or reading from one Bible in public schools means that the predominant group discriminates against the rest. It is—and long has been—a recipe for social division."

The author describes the religious and political cultures of Long
continued on page 20

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Island, New York, where the *Engel* case originated. He shows the intense emotional costs to family and children of the plaintiffs courageous enough to challenge long-standing, majoritarian religious practices in schools that were supposed to belong to all residents and to welcome all children.

The decision, a sweeping victory for religious liberty, produced a furor. Its aftermath, and a follow-up case the following year involving Bible reading in a Philadelphia suburb (*Abington v. Schempp*), are described in a gripping chapter. President John F. Kennedy put his prestige on the line by endorsing the *Engel* ruling, in stark contrast to the demagoguery of former Presidents Eisenhower and Hoover, who denounced it. Initially, he shows, many school districts dragged their feet in implementing the ruling or defied it openly. But, by 1966, only 13% of U.S. public school districts allowed formal prayer, compared to 42% before the 1962 decisions. School prayer amendments were introduced in Congress, but all failed, including a 1984 proposal by President Reagan (which Arizona Senator Barry Goldwater, originally a supporter, voted against).

Dierenfield is intrigued by the Roman Catholic response to the original decision. The hierarchy was overwhelmingly hostile, even though Catholics in the past had been the leaders in opposition to compulsory (and usually Protestant) religious activities in public schools (particularly in Illinois, Wisconsin, Ohio and Louisiana). The two leading liberal Catholic weeklies split, with *America* denouncing the ruling in harsh, vaguely anti-Semitic terms, while *Commonweal* endorsed it. On Long Island, Catholic opinion mostly favored retention of school prayer. Protestants were bitterly divided at the time, which may have been a good thing. "Because the Protestant faith community as a whole was divided over *Engel*, any concerted action to overturn it was improbable."

Dierenfield believes that *Engel* "helped pave the way to a spirit of greater tolerance" in the nation. It has strengthened America, not weakened it, as Religious Right propagandists assert. "For all of the initial fears expressed about *Engel*, the larger import of the case was to uphold constitutionalism, as construed by the Supreme Court, and to recognize that the United States was being transformed from a largely Protestant country to an increasingly pluralistic nation. ... Without question, the battle over school prayer changed the United States. The *Engel* decision marked the end of Protestant domination of public education and the ultimate triumph of the doctrine known as separation of church and state."

This splendid book should be required reading for all law students, since it not only shows the human context in which momentous legal decisions are decided, but refutes the poisonous notion that a distant, secularist elite conspired to weaken religious liberty in the United States.

—Al Menendez

A Matter of Faith: Religion in the 2004 Presidential Election, by David E. Campbell, editor. Brookings Institution Press, 2007, 308 pp., \$62.95 cloth, \$26.95 paper.

University of Notre Dame political scientist Campbell has assembled an anthology of fourteen essays probing the religious factors in the 2004 election. Campbell's overview describes how religion has changed

as a determinant of voting in recent years. "Religion, then, has long been a feature in national elections. Yet that does not mean that the religious cleavages of the past correspond to those of the present. Rather, the last thirty years have been a re-sorting of the parties' electoral coalitions along religious lines. No longer are Democrats and Republicans divided along the old lines, defined by whether they are Catholic or Protestant. Instead of religious *denomination*, the parties are divided by religious *devotional style*—that is, a way of being religious. People who are more devout—regardless of denomination—are more likely to favor the GOP."

Not only did "traditionalist" i.e. very involved and devout, evangelicals give 87% of their votes to Bush but their turnout rate exceeded that of most other religious groups. While evangelicals are central to the GOP's fortunes, they often make it difficult for the party to win voters of other persuasions. "Owing to its coalitions of the religious, the Republican Party faces a difficult balancing act. ... It is thus extremely unlikely that anyone could ever win the Republican nomination for the presidency without receiving, as it were, the blessing of key evangelical leaders. On the other hand, evangelicals alone do not make for election victories."

David Legee observes, "For evangelicals, being Republican is becoming part of their cultural identity." This is why Latino evangelicals voted much more heavily for Bush than did Latino Catholics.

Essayists Layman and Hussey agree. "Committed evangelicals have more conservative attitudes on cultural issues and attach more importance to them than does any other religious group."

The Democrats face a different dilemma. "Just as the Republicans need to be careful that their core evangelical supporters do not push the GOP too far in an overtly religious direction, so the Democrats need to be careful that their secular base does not alienate religious moderates who... constitute a sizable share of Democratic supporters." This problem may persist. "Even among the many devout Americans who vote Democratic, there is an almost palpable reluctance to employ religion in the service of electoral politics. The more likely scenario for 2008 therefore is the continuation of the trend observed in 2004—and in 2000, 1996, 1992, and before. The Republican Party will be the one to use overt displays of religiosity, phrased to include all Judeo-Christian faiths but nonetheless having evangelical undertones. In that case, the devotional divide will continue and likely deepen."

Campbell and Matthew Wilson show how Catholic voters have changed since 1960, when active Catholics were slightly more likely than inactive ones to support Kennedy. In 2004 active Catholics were far more likely than less active members to support Bush, though the number of disillusioned, rarely observant, Catholics, has grown from one fourth to more than half over the past four decades. Says Campbell, "Catholics have so fully assimilated into the larger American culture that they are no longer a distinctive political group. ... Catholic voters have changed because they no longer see their attachment to the Democratic Party as a matter of group loyalty. Today's Catholics are far more likely to vote on the basis of issues rather than the legacy of an institutional connection to the party that historically had been their political home." Several writers, including this reviewer, disagree with Campbell. Catholic voters are cross-pressured swing voters and are still likely to influence the election outcome in many key states.

Individual chapters deal with moral values as campaign issues, "microtargeting" of religious conservatives, Latinos, blacks and the religious left as constituencies.

One essay argues that "Potential religious left constituencies do not hold a homogeneous set of religious beliefs," thus making them less motivated and less connected to politically-astute clergy. The religious left constituencies are also culturally quite different from the evangelical right. "Religious diversity on the religious left is accompanied by social diversity, while religious homogeneity on the religious right is accompa-

Moving?

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nied by social homogeneity.” There are also “traditionalist liberals,” who are “drawn to the Democrats by their ideology but to the Republicans by their traditionalism.” Another problem: “The religious left also posted low turnout rates and limited activism in 2004 compared to the core right and secular liberals.”

Most of the book is based on the Fourth National Survey of Religion and Politics, conducted by the University of Akron in 2004, which yielded slightly different results from the national exit polls in the same year.

This is one of the best of the recent political books and constitutes essential reading for the 2008 campaign.

—*Al Menendez*

Blasphemy: How the Religious Right is Hijacking Our Declaration of Independence, by Alan Dershowitz. John Wiley & Sons, Inc., 2007, 195 pp., \$22.95.

Harvard Law professor Alan Dershowitz is in rare form in this study of how religious reactionaries are trying to hijack history as part of their revisionist campaign to alter American history in order to influence the future. The author spells it all out in the first paragraph: “The Religious Right is engaged in a crusade to convert the United States into a Christian theocracy based on the Bible and, more specifically, on the divine authority of Jesus Christ. This is not the first time in history that religious fundamentalism has sought to declare our heterogeneous country to be a ‘Christian nation,’ but all previous efforts in this direction have been rejected. This time a new tactic is being used, and it promises—or threatens—a greater potential for success. In an appeal to the founding fathers, the Religious Right is employing as their primary weapon the Declaration of Independence, which they claim is America’s baptismal certificate.”

The Declaration of Independence, he says “is a hodgepodge of political, religious and historical theories” but “was not based on the Bible, and its drafters were most definitely not ‘men of the Bible.’” He adds, “The omission of any reference to Jesus Christ, or to the specific God of Christianity or of the Bible is far more significant than the inclusion of generic words that were consistent with non-Christian deistic beliefs.”

Dershowitz argues that inclusions of the words “Nature’s God,” “Creator,” “Supreme Judge” and “Divine Providence” (the last two added by Congress) do not imply endorsement of Christianity. “By invoking ‘the Laws of Nature and of Nature’s God’ rather than the Judeo-Christian God, it made clear that it was not a Christian document, that it did not reflect uniquely Christian or Judeo-Christian beliefs, and that it was not ‘a bridge between the Bible and the Constitution.’ To the contrary, it rejected Christianity, along with other organized religions, as a basis for governance, and it built a wall—rather than a bridge—between the Bible and the Constitution.”

The Declaration of Independence was not designed to signify an orthodox religious understanding of America’s destiny. In fact, “It marked the beginning of the end of the religious state and the emergence of the secular state based on the consent of the governed, rather than the revealed word of God.” And again: “In sum, the Declaration of Independence was designed to protect us from exactly that kind of Christianized America advocated by those who are now seeking to hijack the Declaration for their own sectarian purposes.”

He is justifiably angry that Religious Right propagandists are asserting indefensible concepts. “It is civil blasphemy and intellectual heresy—to say nothing of chutzpah—for the Religious Right to turn the words of the authors of the Declaration on their heads and seek to use them as a justification for converting the United States into precisely the opposite of what the founders intended. But that is what the Religious Right is doing today.”

Dershowitz eloquently reminds us of the value of the American

experience in church and state. “One conclusion remains clear: the experiment launched by Jefferson and his fellow patriots, separating church from state, has been a resounding success both for churches and for the state—and most important for the citizens.”

Liberty depends on this principle. “Religion, if it remains independent of the state, can serve as a useful check and balance on excesses of government. . . . In countries where the state controls religion, it is far more difficult for churches to serve as checks upon the excesses of the state.” Our future depends on it, too. “Without separation of church and state, it will be difficult for the United States to continue in our status as leader of the free world.”

Dershowitz includes a cautionary note: “It is important that today’s secularists not engage in a mirror-image distortion of what the Religious Right is now seeking to do. It would be wrong to conclude that the Declaration of Independence supports the entire agenda of those who would remove all references to God from public pronouncements.”

Dershowitz closes with an appeal to preserve the values embodied in the Declaration of Independence and the Constitution: “Every day is a new struggle for the separation of church and state. We must be willing to buck the tide of majority intolerance and to struggle against religious bigotry because we share Jefferson’s vision. We know what losing this battle will do to America. We know that the greatness of this country depends on its being the most heterogeneous, the most diverse country in the world. We understand the experimental nature of the American dream.”

—*Al Menendez*

The Preacher and the Presidents: Billy Graham in the White House, by Nancy Gibbs and Michael Duffy. Center Street, 2007, 413 pp., \$26.99.

Billy Graham isn’t called America’s preacher for nothing. He has been a confidante of many U.S. presidents and has held center stage at important events in modern U.S. history for six decades.

This absorbing and thorough book by two *Time* magazine correspondents covers the relationships, often tumultuous, sometimes cozy, and occasionally distant, between Graham and the last eleven presidents, from Truman to Bush. As such, it covers a remarkable amount of material and constitutes a partial history of the interactions between religion and politics since the close of World War II.

The authors reveal numerous ironies and surprising facts. Though Graham was ordained a Southern Baptist minister in 1939, his relationship with the three Baptist presidents of his adulthood (Truman, Carter and Clinton) were cool, often strained. Though often seen as a Republican, Graham’s closest relationship was with Democrat Lyndon Johnson. Graham clearly admired Eisenhower, and became estranged from Truman, while Truman’s 1948 opponent, Thomas Dewey, an Episcopalian, became Graham’s friend and personal lawyer.

Early in his career, Graham sensed the rising political power of evangelical Christians. The authors quote Graham from early 1952: “The Christian people of America will not sit idly by during the 1952 presidential campaign. [They] are going to vote as a bloc for the man with the strongest moral and spiritual platform, regardless of his views on other matters. I believe we can hold the balance of power.”

During the next 55 years Graham continued to play a role in the personal (and occasionally political) side of the presidencies, often behind the scenes but also delivering prayers at inaugurations. Graham’s advice on issues, and his support, have been sought by most presidents. He officially endorsed Nixon in 1972 and came close to a formal endorsement of George W. Bush in 2000. He clearly favored Eisenhower in 1952 and 1956 and Nixon in 1960 and 1968.

The authors detail Graham’s ambivalence about endorsing Nixon in

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1960, though he was clearly opposed to a Catholic president. Graham's hostility to Kennedy was sub rosa but expressed to fellow evangelicals. A Graham appearance at a Nixon campaign rally in Columbia, South Carolina, just before election day was seen as a calculated appeal for Southern Protestant Democrats to desert their party and support a Protestant Republican over a Catholic Democrat. He urged Nixon to name an evangelical, Rep. Walter Judd of Minnesota, as his running mate, and to stress their personal religious convictions as a subtle way to dramatize Kennedy's outsider status. Graham invited Nixon to visit him in Charlotte during October. The authors quote a Graham letter to Nixon: "This would certainly be a dramatic and publicized event that I believe might tip the scales in North Carolina and dramatize the religious issue throughout the nation without mentioning it publicly. ... Privately, I intend to do all in my power to get you elected."

In 1968 Graham was behind the scenes in Nixon's second campaign, and urged Nixon to name evangelical Sen. Mark Hatfield of Oregon as his running mate.

Graham's close involvement with Nixon's presidency began with the White House church service. "This institution, which featured Graham as First Preacher, would take Eisenhower's civil religion to new heights—and the privately cynical use of religion to new depths."

Nixon and Graham used each other. "Graham became a defacto member of the first-term Nixon White House, with all the privileges and protections that entailed." Nixon was the only sitting president to speak to a Graham crusade, in Knoxville, Tennessee, in 1970. (He attended the New York crusade in 1957 as Vice President. President Johnson had attended a Houston event in 1965).

The authors reiterate that Graham's personal political biases frequently caused him to excuse certain policies and behaviors in the presidents he favored, none more so than Nixon.

After being badly burnt by Watergate and subsequent revelations, Graham withdrew somewhat from events that could be construed as too political. He did, however, survey evangelical opinion about a possible U.S. ambassador to the Vatican on behalf of President Reagan. His relationships with recent presidents have been cordial but distant, except for the Bushes, who have occasionally invited Graham to their Kennebunkport, Maine, estate. Interestingly, "Graham had more in common theologically with Jimmy Carter than any other president, but the two men were never close." Graham has "had a singularly formative impact on George W. Bush" but is also fond of Hillary Clinton, and she of him.

Graham seems to have enjoyed his access to power but his only real impact on national policy has been his tendency to support every U.S. war, offering justifications for them and tending to give every president's judgments the benefit of the doubt since they are, or were, symbols of authority.

—Al Menendez

God on Trial: Dispatches from America's Religious Battlefields, by Peter Irons. Viking, 2007, 362 pp., \$26.95.

Irons, a retired constitutional law professor, examines a half-dozen recent cases that involve religious "symbols," primarily in the nation's schools, parks and buildings. He chose cases that were "both significant and exciting." They include the Mount Soledad (San Diego) Cross, the ban on football-game prayers in Texas, Ten Commandments controversies in Kentucky and Texas, the Pledge of Allegiance dispute in Elk Grove, California, and the ID battle in Dover, Pennsylvania. "*God on Trial* tells the stories of recent conflicts over religion in the American communities: towns and cities that have become battlefields in America's growing religious wars," he explains.

Irons makes dry court cases come alive by stressing the human element. Why do a few courageous individuals challenge the established order of things, even at great risk? The answers can be found in the lively interrogations that he has conducted with individuals on the ground in battles that have become nationally important.

Irons interviewed participants on both sides of these disputes. "In all these cases, both the challengers and defenders of religious symbols and practices matched their divergent values and beliefs with great intensity." This admirable ability to appreciate divergent points of view is one of the book's strengths. "Talking with people like them, in the six towns and cities I visited in recent months, has given me a deeper understanding of the differing beliefs and values that have sparked these local battles in America's growing religious wars."

Irons is strongly committed to the separation principle embodied in the First Amendment, and served as counsel to the San Diego plaintiffs seeking removal of the Latin Cross from Mount Soledad. He also prepared a friend of the court brief on behalf of nineteen theologians and religious scholars who opposed requiring students to recite the Pledge of Allegiance in Elk Grove, California, public schools.

Irons reminds readers that the role of religion in public schools remains a cutting-edge issue. "Over the past six decades, in fact, a considerable majority of the Court's Establishment Clause rulings have involved religion in schools."

The author is mindful of the political reality in which Supreme Court decisions are rendered. The *Everson*, *McCullum* and *Zorach* rulings after World War II were decided by justices who were all named to the bench by Roosevelt or Truman, an ideal time for more liberal outcomes. The 1962-63 school prayer and Bible reading cases were also decided by relatively liberal justices, including two (Warren and Brennan) appointed by Republican president Dwight Eisenhower. This political dimension is still valid today. "...the primary battlefield in these conflicts has become the federal judiciary, with control of the Supreme Court as the prize. On this crucial front, the outcome depends very largely on political developments, with the 2008 presidential election as the battle for which the contending sides have already begun rallying their forces."

This is not only a readable book, but a compelling one as well.

—Al Menendez

A Godly Hero: The Life of William Jennings Bryan, by Michael Kazin. Anchor Books, 2006, 374 pp., \$16.95 paper.

Kazin, a historian who calls himself a "secular liberal," has undertaken the Herculean task of rehabilitating the image of William Jennings Bryan. While Bryan ran for president three times on the Democratic ticket (1896, 1900, 1908), he received a smaller percentage of the popular vote each time. He espoused some progressive causes, especially a sympathy for the toiling classes and "his critique of the emerging corporate, imperial order," and was also a thoroughgoing pacifist who resigned as Woodrow Wilson's Secretary of State because he feared the president's policies were leading to World War I. (Bryan was right.)

Writes Kazin, "Bryan was the first leader of a major party to argue for permanently expanding the power of the federal government to serve the welfare of ordinary Americans from the working and middle classes. ... His one great flaw was to support, with a studied lack of reflection, the abusive system of Jim Crow."

Bryan's image as a progressive has been besmirched by his own erratic actions during the 1920s, when he emerged as an opponent of teaching about evolution in public schools, a defender of biblical inerrancy, and a vague supporter of the Ku Klux Klan. One of the low points in Bryan's career was his address to the 1924 Democratic Convention, opposing a statement of condemnation of the Klan and singling out Catholics and Jews, by name, in a tasteless exercise in ridicule.

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Bryan, like most rural white Americans, also defended racial segregation, a sentiment he shared with most Democrats of the time. It was not until Al Smith and Franklin D. Roosevelt transformed the Democrats into a party of urban liberalism and at least some acceptance of racial equality that the legacy of Bryanism was eclipsed.

Bryan's influence was waning even before his antics at the Scopes Trial. The Democrats in 1924 nominated an obscure ex-congressman from West Virginia, John Davis, and Bryan's brother, Charles, the governor of Nebraska. This ticket received the lowest level of popular support (29%) ever given to the party of Jefferson and Jackson. Bryan was virtually the only national figure to campaign for this hapless, mediocre duo.

Kazin admits that there were "limits to his imagination and a myopia that attended his moralism." But he insists that Bryan's earlier career, as a congressman from Nebraska, should be seen as primarily progressive. Kazin calls Bryan a "Christian Liberal," though his anti-evolutionist and Prohibitionist crusades hardly fit that depiction. Today, he is more revered on the Christian right than on the left. "In the late 1970s, when large numbers of white evangelical Protestants again threw themselves into electoral politics, they did so largely for pro-corporate Republicans whom Bryan would have loathed. ...As some members of the Christian right lionized Bryan, the left largely ignored how central he had been to many of the issues for which it continued to struggle—the rights of labor and women, the regulations of big business, the reform of campaign finance, progressive taxation, anti-militarism and more."

Bryan's "record was impressive" and he was "the leading proponent of three constitutional amendments—for the income tax, the popular election of senators, and prohibition." His "oratory infused the idea of a welfare state with passionate intensity." But Kazin admits, "It is probably fortunate that he was never elected president," because "he relished confrontations over principle and abhorred compromise." With that judgment most readers would probably agree.

—Al Menendez

God's Continent: Christianity, Islam, and Europe's Religious Crisis, by Philip Jenkins. Oxford University Press, 2007, 340 pp., \$28.00.

Jenkins, a history and religious studies professor at Penn State, made a splash in the academic world a few years ago when he argued forcefully in *The New Christendom* that Christianity in the Southern Hemisphere is not only growing but is more conservative than its counterparts in the Northern Hemisphere. In *God's Continent* Jenkins turns his

Amazing Facts from the Life of Bryan

Kazin's richly detailed biography reveals some extraordinary facts about the enigma that was Bryan.

- A life-long enemy of "militarism and jingoism," Bryan is buried at Arlington National Cemetery.

- A member of the tiny Cumberland Presbyterian Church (a separate evangelical denomination) and called a "yokel and a Bible thumper" by numerous journalists, Bryan's funeral was held at the prestigious New York Avenue Presbyterian Church in Washington, D.C., (once attended by Abraham Lincoln).

- Bryan, not Jerry Falwell, coined the phrase "moral majority" after the Democrats' stinging defeat in the 1920 election. He said there was a "great moral majority of the nation."

- In a 1916 speech in rural North Florida, Bryan said, "We Americans should make the Sermon on the Mount real in the law of nations."

- Bryan supported women's suffrage and thought women should be equal before the law in all domestic and marriage-related questions.

- The great commoner, as he was known, "taught an outdoor Bible class in a spacious ocean front park [in Miami] festooned with royal palms." Bryan, a native of rural Illinois and once a congressman from Lincoln, Nebraska, relocated in 1916 to Miami, then but a village, not a major metropolis. He still eschewed, even loathed, big city life. This great friend of the poor also built himself a mansion he named "Villa Serena."

- Bryan's daughter, Ruth Bryan Owen, became the first woman elected to Congress from the South when she won Florida's 4th Congressional District seat in 1928. Reelected in 1930, but defeated by an anti-prohibition candidate in the 1932 Democratic primary, she became the first U.S. female diplomat, named minister to Denmark by FDR in 1933. She married a Danish citizen in 1936 and is buried in Copenhagen.

—Al Menendez

attention to Europe, where he sees a clash of culture and values between Christianity, Islam and secularism.

Jenkins is noted for challenging conventional or received wisdom. While Islam has grown because of immigration, not all new Europeans

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are Muslim; many are Christians from Africa, East Asia or Latin America. Jenkins writes, "European cultural and social arrangements have, it seems, gutted the continent's Christian heritage; yet prophets of Muslim dominance in Europe assume that Islam will somehow be immune to these same overwhelming pressures. In fact, both Christianity and Islam face real difficulties in surviving within Europe's secular cultural ambience in anything like their familiar historic forms."

All religions are in a process of transformation and change. "Undoubtedly, European nations are changing culturally and socially, acutely so in such critical countries as France and Germany. Across the religious spectrum, we see forces pushing toward progress and reaction, assimilation and separatism, secularism and fundamentalism, tolerance and violence. Yet before writing the obituary of European Christianity, before consigning the continent to the fringes of the Muslim world, a reality check is in order. While nobody can pretend that Christian religious practice is thriving in most of Europe, the situation is nothing as grim as some recent accounts suggest, nor do the population statistics justify the portrait of a wholesale barbarian invasion from Muslim lands."

The author suggests that the process of secularization was facilitated and accelerated by widespread disillusion with many public policies pursued by the dominant Christian groups.

Finally, all of the major religions will inevitably change, Jenkins forecasts. "Both Islam and Christianity will change radically in coming decades, through the experience of living in Europe's social and cultural environment but also from the fact of living side by side and having to interact with each other in a multifaith setting."

Jenkins also stresses that Turkey would become the most populous nation if it is admitted to the European Union and would increase the Muslim share of the EU's population from 4.6% to nearly 16%.

—Al Menendez

The Power and the Glory: Inside the Dark Heart of John Paul II's Vatican, by David Yallop. Carroll & Graf Publishers, 2007, 530 pp., \$26.95.

Yallop, a British investigative journalist, serves as a kind of self-appointed devil's advocate to the verdict of history regarding the long reign of John Paul II. Yallop contends that John Paul II centralized the Vatican excessively, repressed dissent, made the Church an ally of anti-democratic forces in several countries, and was not the magnanimous and highly influential world leader that several biographers have depicted. "The obituaries for Pope John Paul II abound with myths, fantasies and disinformation."

Despite its worldwide political influence, the Vatican is an insular place. "Officially known as the Vatican City State, for all its grandeur and its importance as the nerve center of Roman Catholic faith, it is still a village, inward-looking, self-absorbed, with all the concentrated virtues and vices of small community life."

Many of Yallop's assessments are valid, but some seem over the top. He says Opus Dei is a controlling force in the Vatican, but so are the Freemasons! It is unlikely that both of those groups could coexist in the same institution.

His final conclusion is rather arbitrary: "As a direct result of Karol Wojtyła's Papacy, the power of the Church had been profoundly reduced and its glory severely tarnished." Some would say the decline began long ago. Others would suggest that the present papacy of Benedict XVI is still a factor in world affairs.

Unfortunately, the book's flaws are legion. The bibliography, though extensive, is eccentric. All books, in several languages, are thrown together by the first letter of the title, rather than alphabetized by author, as is standard. Numerous titles follow "The," which is not even grammatically correct. Since there are almost no footnotes in this massive volume, there is no way to substantiate or track the author's sources.

A thorough editing would have helped, removing extraneous material and moving the narrative flow forward. For example, the author refers to "a general election due in April 2006" in Italy, though this book was published in May 2007.

Many of Yallop's general points have been made more effectively by other authors, rendering this tome a major disappointment.

—Al Menendez

New Fall Books

A number of significant titles in the church-state field are scheduled for the fall. Watch for our reviews of the following: *From Pews to Polling Places: Faith and Politics in the American Religious Mosaic*, edited by J. Matthew Wilson (Georgetown University Press); *Faith in the Halls of Power: How Evangelicals Joined the American Elite*, by D. Michael Lindsay (Oxford University Press); *When Did Jesus Become Republican?: Rescuing Our Country & Our Values from the Right: Strategies for a Post-Bush America*, by Mark Ellingsen (Rowman & Littlefield); *The Last Freedom: Religion from the Public School to the Public Square*, by Joseph P. Viteritti (Princeton University Press); *Thumpin' It: The Use and Abuse of the Bible in Today's Presidential Politics*, by Jacques Berlinerblau (Westminster John Knox Press); and more.