



VOICE OF REASON

The Journal of Americans for Religious Liberty

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ARL Joins Challenge to Tax Dollars for Churches

Americans for Religious Liberty has joined six organizations (American Jewish Committee, Americans United for Separation of Church and State, Baptist Joint Committee for Religious Liberty, Hadassah, The Interfaith Alliance Foundation, and the Hindu American Foundation) in filing an amicus brief on April 16 urging the U.S. Sixth Circuit Court of Appeals in Cincinnati to overrule a lower federal court decision and sustain the principle that government funds may not be used for direct religious purposes.

The Eastern Michigan district court held last year in *American Atheists, Inc. v. Detroit Downtown Development Authority*, 503 F. Supp. 2d 845, that public funds could be used to repair places of worship.

The brief affirms:

“The lessons of history are compelling: Governmental aid to construct and maintain houses of worship degrades religion and distorts government. ... The Founders also recognized that freedom of conscience is a prerequisite to harmony in a pluralistic society, and that religion flourishes best where government interferes with it least. And so, the Establishment Clause’s prohibition against using public money to maintain churches was born as much out of the desire to preserve the independence and robustness of religion as it was out of the aim to protect government from religious encroachments.”

Furthermore, “the Founders’ principal bulwark against religious degradation and sectarian strife was the prohibition against public funding of churches.” It is incontrovertible that “the Establishment Clause’s prohibition against funding for religion safeguards religious freedom” and that the Michigan decision “is inconsistent with fundamental Establishment Clause principles and the strict legal rules that protect them.” The brief notes that “the Supreme Court has forbidden provision of money for buildings—even for institutions that are not pervasively sectarian—if there is any risk that the facilities will ever be put to religious uses. And if government may not pay to *construct* buildings, the Supreme Court has reasoned, it may not pay to *repair* them.” The brief reminds the appeals court that the “grant recipients are not just religiously affiliated but are full-fledged churches.” The decision, therefore, “is thus irreconcilable with the First Amendment’s fundamental aims to ensure both that government does not become corrupted by playing favorites among religions, and that religion does not become degraded by feeding at the public trough.”

The brief also argues that the lower court’s attempt to “dissect church buildings into religious and secular components is administratively unmanageable and would excessively entangle government with religion.” The lower court ruled that icons or symbols could not be funded by taxpayers but that buildings and parking lots could be. “Deciding which portions of a church are religious and which are secular requires delving into the religious doctrines of each denomination to determine the theological significance of the church, synagogue, temple, or mosque’s structure as a whole, and the spiritual meanings and messages of each part.”

Because churches might choose to secularize their buildings to receive public funds, the lower court ruling “is thus deleterious to the freedom of conscience that the First Amendment was intended to safe-

guard.” In addition, “the decision creates financial incentives for religious institutions to abandon aspects of their architecture that have religious significance. When aid is available for what looks nonreligious (or more palatably religious) to a government official, the result is not just favoritism and religious discrimination, but also pressure on religious institutions to conform their buildings’ spiritual messages to those that satisfy officials’ predilections.”

“Put simply,” the brief continues, “houses of worship are as much a symbol of particular religious doctrines as they are a venue for religious activity. Reducing a church or synagogue or mosque or temple to an agglomeration of religious and secular elements fails to recognize what makes that structure unique—and uniquely religious. It is an affront to those who believe that the form of their house of worship embodies or reflects their faith, and an absurdity to those who do not.”

By attempting to draw a fine line between religious symbolism and secular architecture, the district court decision “creates a *de facto* preference for denominations that prohibit or disfavor iconography over
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Researchers Find Flaws in Vouchers and School Choice Programs

A number of educational researchers have concluded that many school choice or voucher programs have failed to achieve their objectives. The “policy briefs” were unveiled in a conference held at the National Education Association headquarters in Washington, D.C., on April 10. The research was supported by The Great Lakes Center for Education Research and Practice in East Lansing, Michigan.

Editors Gary Miron, Kevin Welner, Patricia Hinchey, and Alex Molnar noted, “School choice is a reform ideal that consistently has been debated and contested. This contentious debate arises, in part, because choice means so many different things to different people. But the debate often overlooks the diversity within the broad realm of school choice and the differences in how specific types of school choice are legislated and implemented.

“For instance, these reforms can be designed to pursue a range of outcomes. Choice rules can be written to reduce isolation by race, class, or special needs status; alternatively, choice can have the unintended consequence of becoming a vehicle for accelerating resegregation of our public school systems. Depending on the design and funding incentives, school choice reforms can promote innovation and the development of a diversity of options from which parents can choose; or, they can result in a stratified marketplace that appeals to conservative consumers who eschew innovation. Finally, school choice reforms have the potential to promote accountability or—if the oversight mechanisms are not in place—choice plans can facilitate the circumvention or avoidance of oversight.”

Terri S. Wilson, of Teachers College, Columbia University, traced the transformation of the school voucher movement from Milton Friedman’s libertarian-privatist concept enunciated in 1955 to proposals by Christopher Jencks, John Coons and Stephen Sugarman in 1970 which “helped to repackage choice in terms of equity, pluralism and parental empowerment.” Since then, voucher advocates have claimed that they were enhancing the values of liberal democracy, though most voters and legislators failed to support the argument.

Julie F. Mead, of the University of Wisconsin-Madison, concluded that legislation and litigation affect school choice programs and that programs must not violate the Religion Clauses of the First Amendment or result in discrimination on the basis of race. Officials directly

involved in framing school choice legislation must:

- “Examine parental choice programs to ensure that they espouse the values of the communities they serve in a manner consistent with federal and state constitutional guarantees.
- “Ensure that parental choice programs serve educational opportunity and equity rather than undercut them.
- “Consider carefully the implications of any choice program, not only for those who ‘choose’ but also for those who do not.
- “Engage the research community not only to inform the debate about effectiveness, but also to track the implications of the various choice programs undertaken.”

In her study of teacher qualifications and workplace environments, Vanderbilt University’s Marisa Cannata found that “among private schools, Catholic school teachers appear most similar to teachers in traditional public schools.” She also discovered that “charter and private schools lose teachers at higher rates than public schools.” Public school teachers are the most likely to possess masters’ degrees, with teachers in non-religious private schools a close second. “Charter school teachers have fewer years of experience than their peers in public schools.” Also, “Charter school teachers earn less than their peers in public schools with similar credentials and experience.”

Three researchers at the University of North Carolina at Charlotte (Roslyn Arlin Mickelson, Martha Bottia, and Stephanie Southworth) discovered that “choice schools and programs are as segregated, and in some instances, more segregated by race and socioeconomic status (SES) than the other schools in their local community. Moreover, many forms of choice also segregate students by ability and achievement levels.”

They found that “ethnic self-segregation is evident among many charter school populations” and that “one in four private schools serves wealthy, elite families.” Also, “while most Catholic schools have some students who qualify for free or reduced-priced lunch, other types of private schools are much less likely to have low-income students. Elite, nonsectarian, private schools frequently offer a limited number of scholarships to less affluent students of color. Middle- and upper-class white students are overrepresented in private school populations.”

This re-segregation process is a challenge to America’s goals of equality and fairness in education.

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American Religion Today: “A Very Competitive Marketplace”

The latest national survey on religious identification, conducted by the esteemed Pew Forum on Religion and Public Life, finds that “constant movement characterizes the American religious marketplace, as every major religious group is simultaneously gaining and losing adherents.”

The U.S. Religious Landscape Survey, 2008, was based on a representative sample of 35,000 Americans, the largest such survey ever undertaken. It shows the U.S. to be “among the most religiously dynamic and diverse countries in the world.” The basic breakdown is 26% evangelical Protestant, 24% Catholic, 18% mainline Protestant, 16% nonaffiliated, 7% African American Protestant, and 9% all others, which encompasses everyone else from Jewish to Mormon.

The survey shows dynamic change and diversity even within religious groups. Most tracking data show relative stability in religious self-identification over recent decades but the new Pew study shows that change is occurring under the radar. About 44% of Americans belong to a different religious group from the one in which they were born. The experience of the Catholic Church is symptomatic. While nearly a fourth of Americans say they are Catholic, nearly a third were raised Catholic. “Approximately one-third of the survey respondents who say they were raised Catholic no longer describe themselves as Catholic. This means that roughly 10% of all Americans are former Catholics. These losses, however, have been partly offset by the number of people who have changed their affiliation to Catholicism (2.6% of the adult population) but more importantly by the disproportionately high number of Catholics among immigrants to the U.S. The result is that the overall percentage of the population that identifies as Catholic has remained fairly stable.”

The nonaffiliated 16% category is also diverse. The real “secular” figure is closer to 10% because, while 6% say they have no connection with or any interest in religion, another 6% say their religion is “nothing in particular,” though some attend church and say religion is somewhat important to their lives. About 2.4% call themselves agnostic and 1.6% are atheist.

In the “other religion” group are 0.7% who say they are Unitarian Universalists, “spiritual but not religious,” “liberal” or “eclectic.”

Evangelical Protestants (26%) have clearly moved ahead of mainline Protestants (18%) in part because the mainliners are much older and do not retain their younger members as well as evangelicals. All groups lose numbers, however, including evangelicals, who have lost a fifth of their original members despite making converts from other traditions. Baptists have also faced defections, since 21% of Americans were raised Baptist and 17% now call themselves Baptist.

The overall “Protestant” figure, once over 60% of all Americans, is now 51%. The breakdown by age shows the Protestant decline. Among Americans aged 70 or older, 62% are Protestant, but only 43% of those aged 18-29 consider themselves Protestant. Younger Americans are much more likely to be religiously unaffiliated (25%) than those over age 70 (8%). “Men are significantly more likely than women to claim no religious affiliation,” the report concludes.

Among other highlights:

- Hindus and Muslims have the highest percentage of immigrants in their ranks.
- Hindus and Mormons are the most likely to marry within their tradition.
- Mormons and Muslims have the largest families.
- About 37% of all married Americans are married to a spouse with a different religious background. This includes a majority of Buddhists and the non-affiliated.

- Among the “big three” faith groups, 81% of Protestants, 78% of Catholics, and 69% of Jews marry within their group.

- The Midwest closely resembles the religious makeup of the entire nation.

- Theological diversity is found in all religions: 43% of Jews are Reform, 31% Conservative, 10% Orthodox and 16% other or secular; half of Muslims are Sunni, 16% are Shia, and the others are “just Muslim”; Zen Buddhists are the largest Buddhist subgroup.

- Immigration benefits some religions more than others: 46% of all immigrants are Catholic, while just 21% of adults born in the U.S. are Catholic. Atheists and agnostics are a larger percentage of immigrants than of native-born Americans: 13% of Canadian immigrants, 8% of Western Europeans, 7% of Eastern Europeans and 7% of East Asians are atheists or agnostics, compared to 4% of all Americans. The “unaffiliated” segment topped 20% for East Asian, European and Canadian immigrants, while 12% of East European immigrants are Jewish, 24% of those from the Middle East and North Africa are Muslim and 14% of East Asians are Buddhist.

- Religious change moves in every direction. Even the Mormons, noted for their converts, have lost more members than they have gained. Also, while 13% of adults report no religious affiliation today after having been raised in some religion, 4% of adults who were raised with no religious affiliation now report an affiliation. A majority of Buddhists, Jehovah’s Witnesses, Unitarian Universalists and New Agers were raised in some other faith tradition. In contrast, more than 85% of Jews, Catholics and Hindus were born in their faith.

- Racial and ethnic diversity is found in all religions. A majority of Jehovah’s Witnesses and Muslims and nearly half of Buddhists are black, Asian, Latino or mixed. But more than 80% of evangelical and mainline Protestants, Mormons, atheists, agnostics, Jews and Eastern Orthodox Christians are non-Hispanic whites.

- The smaller groups have the best educated members: 74% of Hindus and 59% of Jews are college graduates, as are 48% of Buddhists, 46% of Eastern Orthodox Christians, 43% of agnostics and 42% of atheists. Only 20% of evangelical Protestants and 24% of Muslims are college graduates. Among all Americans the figure is 27%.

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Arizona Court Invalidates Voucher Programs

On May 15 the Arizona Court of Appeals struck down that state's twin "scholarship" and "grants" program aiding nonpublic schools. The legislature passed both programs despite clear prohibitions on state aid to religious institutions in the Arizona Constitution. "Where our Constitution has spoken, it is our duty to uphold it," the Court of Appeals thundered in *Cain v. Horne*. "The school voucher programs provide aid to private schools in violation of the Aid Clause, Article IX, Section 10, of the Arizona Constitution," the Court concluded in reversing a previously favorable decision by the Superior Court of Maricopa County.

The Appeals Court reminded legislators that the intent of the drafters of a constitution must be discerned and respected. "Only by ignoring the plain text of the Arizona Constitution prohibiting state aid to private schools could we find the aid represented by the payment of tuition fees to such schools in this case constitutional."

Arizona's Constitution at Article II, Section 12, states, "No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment." Article IX, Section 10, reads, "No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school..." The Appeals Court concluded, "We note that although there may be some overlap between these clauses, the Religion Clause—Arizona's analog to the federal Establishment Clause—was intended to ensure the separation of church and state, whereas the Aid Clause—which has no equivalent in the United States Constitution—was aimed at placing restrictions on the disbursement of public funds

to specified institutions, both religious and secular."

The Court also considered and rejected the claim made by voucher advocates that the "no aid" provisions in state constitutions stem from 19th century anti-Catholic bigotry and should therefore be rejected as inconsistent with today's more tolerant, religiously ecumenical climate. The Court, in a footnote, rejected the relevance of this claim. "Although the original Blaine amendment, and the amendments made to state constitutions in its immediate aftermath, may have been motivated by anti-Catholic bigotry, there is 'no recorded history directly linking the amendment with Arizona's constitutional convention' thirty-five years later. [citing *Kotterman v. Killian*, 193 Ariz. 273 at 66]. Furthermore, the Aid Clause does not discriminate between secular and religious private schools. And, in any event, none of the parties has produced any authority suggesting we may disregard constitutional provisions merely because we suspect they may have been tainted by questionable motives."

Under Arizona's scholarship program, public school students with disabilities may transfer to private schools (or other public schools), with the state paying an amount equal to state expenditure for public school districts. Under the grant program, the state pays up to \$5,000 for students placed in foster care to attend private schools. Schools benefiting from these programs are not required to alter their "creed, practices or curriculum" in order to receive the funding.

While both programs have now been declared unconstitutional, the state is expected to appeal the decision to the Arizona Supreme Court.

Pat Robertson: Down But Not Out

Television evangelist and media magnate Pat Robertson's influence has waned in recent years but he remains a key player in evangelical and Republican circles. This is the conclusion of journalist Bill Sizemore of the Norfolk *Virginian-Pilot*, in the spring 2008 issue of the influential *Virginia Quarterly Review*. Sizemore posed the question: "For nearly half a century, Pat Robertson has built a media juggernaut on the twin foundations of religious fundamentalism and hard-nosed politics. He has enjoyed unmatched influence, but is it the end of an era?" Sizemore reports that Robertson is gradually divesting himself of his political and financial holdings – he is, after all, 78. Just weeks after endorsing Rudy Giuliani for president, Robertson resigned as CEO of his Christian Broadcasting Network (CBN) and turned over its leadership to his son Gordon. Changes may come, but the overall influence of the Robertson empire has not diminished. "Under Gordon's leadership, CBN may assume a less public stance on matters of the day, but one can be assured that the empire constructed by his father will continue to generate vast wealth and that those resources will continue to be put toward educating students in Robertson's signature brand of Christianity. Those graduates, in turn, will have influence in the halls of justice and the upper echelons of executive power for generations to come. The exposure of Monica Goodling may spell an end to Robertson's latest gambit to win influence, but he has shown remarkable savvy—and single-minded

tenacity—in realizing his vision for the 'perfect theocracy' of America's future."

Robertson is not relinquishing his political interests, however. Writes Sizemore: "Robertson has never really left the political stage. He opines on world events daily on his TV show and regularly interviews national and world leaders. Presidential hopefuls give major speeches at Regent University, the school he founded, where former attorney general John Ashcroft is on the faculty. Out of the ashes of the Robertson presidential campaign came an army of Bible-believing religious fundamentalists which has won a degree of political power unprecedented in modern times."

Robertson's Regent University and, especially, its politically influential but poorly regarded Law School remain powerful in Republican and conservative circles. Its graduates flocked to the Bush Justice Department, where its members were highly partisan, lukewarm on pursuing voting and workplace discrimination claims by African Americans, and bent on a new crusade against so-called anti-Christian discrimination.

What about Pat's future? Sizemore is clear. "He will continue to push for a ban on abortion ('the height of pagan barbarity'), limits on other rights for women, restrictions on gay rights ('a sign that a society is in the last throes of decay'), narrower guidelines for artificial insemination and stem cell research, implementation of corporal punishment in schools, an end to teaching evolution ('There is no reproductive [sic] evidence to support evolution'), raising legal standards for granting divorce, expansion of capital punishment, and an end to the nation's progressive tax structure ('the creation of Marxist communism'). Most of all, Robertson will continue to insist on a Christian litmus test for the nation's highest office."

Moving?

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Challenge to Tax Dollars, *continued from page 1*

those that employ it.” This preference could lead to favoritism or discrimination. “For the only way to subdivide religious and secular without intrusive, entangling inquiries into church doctrine would be to make uninformed, standardless determinations that what *looks* religious, *is* religious. So the approach favors, with easier access to governmental largesse, those religions that eschew iconography as idolatry (such as Judaism and Islam) or as a distraction from prayer (such as Quakerism), as well as those that favor plain, humble architecture as signifying how one should approach the divine (such as congregationalist Protestant denominations). Conversely, it disfavors faiths that assign iconography an important role (such as Catholicism and Greek Orthodoxy) and those that favor lavish decoration as a way to celebrate or commemorate the divine (such as Jainism). In preferring some faiths to others, the decision fails to heed the Founders’ concern with society’s becoming a battleground for religious denominations competing for governmental benefits.”

“What is at stake in this case,” the brief concludes, “is far more than a few dollars for re-caulking brickwork and stained glass.” What is at

stake is the preservation of the First Amendment, religious harmony, and the independence of religious institutions from the state.

The brief was written by Philip W. Horton, Kimberley A. Isbell, and Eric T. Rillorta of the Washington, D.C. law firm of Arnold & Porter. Among co-counsel is ARL Board Chair Burton Caine.

ARL president Edd Doerr hailed the brief as “a brilliant defense of one of the country’s most important founding principles, religious liberty through separation of church and state.” Doerr also praised the brief for “representing the broad spectrum of America’s religious diversity.” The brief, he added, builds on the view expressed by Justice Sandra Day O’Connor in her concurring opinion in *McCreary County, Kentucky v. ACLU of Kentucky*, 545 U.S. 844 (2005) at 882:

“At a time when we see around the world the violent consequences of the assumption of religious authority by government, Americans may count themselves fortunate: Our regard for constitutional boundaries has protected us from similar travails, while allowing private religious exercise to flourish. . . . Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?”

Preachers Cause Headaches for Presidential Candidates

All three of the remaining presidential candidates had problems with preachers as the spring primaries continued. Barack Obama was forced to disavow comments, which were deemed offensive and un-American made by the former pastor of his Chicago church. In an eloquent address in Philadelphia on March 18, Obama distanced himself from Rev. Jeremiah Wright’s previous comments but refused to dissociate himself from Trinity United Church of Christ, which he praised for its caring and compassionate ministry on Chicago’s South Side. Obama called for a new dialogue and conversation on race in America but observers warned that political damage had already been done to the Illinois Senator’s campaign. (Obama resigned from the church in June.)

Meanwhile, John McCain received the endorsement of two extremist Religious Right pastors just before the Texas and Ohio primaries on March 5, which also ended Mike Huckabee’s campaign for the White House. (Huckabee still won the evangelical vote in both states, but lost decisively among other voters). In Texas John Hagee, a Christian Zionist who supports war against “Israel’s enemies,” including Iran, and has been credibly accused of anti-Catholic statements, endorsed McCain. The Arizona senator refused to condemn Hagee’s views and said he did not agree with all of his supporters. “I am very proud of Pastor John Hagee’s spiritual leadership to thousands of people. I am proud of his commitment to the independence and freedom to the state of Israel. That does not mean I support or endorse or agree with some of the things Pastor John Hagee may have said or positions he has taken on other issues,” the senator added.

In a Cincinnati rally on February 26, McCain called Columbus pastor Rod Parsley a “spiritual guide” after Parsley praised him as a “strong, true, consistent conservative.” Parsley has called for the destruction of Islam, attacked separation of church and state, lambasted the “abortion industry,” and endorsed the prosecution of people who commit adultery. Parsley is credited with keeping Ohio in the Bush column in 2004. Despite this cozying to the Religious Right, McCain “still has work to do” to whip up “enthusiasm” among evangelicals, warned Family Research Council president Tony Perkins at a March event.

Hillary Clinton ran into opposition from Archbishop José Gomez of San Antonio, who denounced a decision by St. Mary’s University to host a rally for Clinton during the Texas primary campaign. Gomez criticized Clinton’s pro-choice position on abortion. A week later, Gomez said he had no objections to a campus appearance by Mike Huckabee, who is anti-choice, though Huckabee enthusiastically supports the death penalty and the Iraq war. The comments by Archbishop Gomez were apparently ignored by Hispanic Catholics, who voted two to one for Clinton in Texas.

(A similar contretemps occurred just before the Missouri primary when Archbishop Raymond Burke denounced St. Louis University basketball coach Rick Majerus for endorsing Clinton at a rally on January 19.)

John Hagee apologized to Catholics in a letter and news conference, saying that he regretted the many anti-Catholic comments in his book *Jerusalem Countdown*. Hagee accused the Vatican of collaborating with Hitler’s Holocaust and referred to the Catholic Church as “the great whore of Babylon,” language frequently employed by fundamentalist Protestants in the past.

Hagee’s letter of May 12 was addressed to William Donohue, president of the Catholic League for Religious and Civil Rights, a controversial pressure group. (See page 19 for a review of a new book on this organization.)

Hagee’s “apology” was orchestrated by Republican officials concerned about maintaining a Catholic-evangelical alliance for the November elections. Deal Hudson, a former White House aide and *Crisis* magazine editor, helped broker a meeting between Hagee and a dozen Catholic Republicans in Washington in May. Hudson is a member of “Catholics for McCain.”

Senator McCain, meanwhile, has been widely criticized for failing to condemn Hagee’s remarks as forcefully as Senator Obama condemned Rev. Jeremiah Wright’s speech at the National Press Club, which Obama found inflammatory and divisive. McCain, who sought Hagee’s endorsement, said he found the apology letter “a laudable thing,” but has tried to steer clear of the controversy. McCain finally repudiated the endorsement of Hagee and Parsley on May 22.



Floridians Face Social Issue Amendments

Florida voters will consider whether to maintain a constitutional ban on state financial aid to churches and religious organizations. Supporters of overturning the ban, added to the Florida Constitution more than a century ago, hope to implement a new voucher-type program for faith-based schools, similar to one struck down by the state supreme court. Supporters of revoking the ban claim that church-related social welfare agencies, which already receive millions in taxpayer dollars to provide public services, could be threatened. Opponents of vouchers portrayed that argument as an invalid scare tactic. At present programs providing vouchers for programs helping poor and disabled children, as well as health care and drug-abuse treatment for the disadvantaged, have not been challenged on constitutional grounds. The Taxation and Budget Reform Commission placed the constitutional amendment proposal on the ballot, after intense lobbying by religious conservatives and former members of Jeb Bush's administration, which governed the state from 1999 to 2007.

Florida voters will also decide in November whether to approve a proposed constitutional ban on gay marriage, even though state law already prohibits it.

Abortion Rights at the Polls

South Dakota voters will again face a ballot initiative to restrict almost all abortions. Two years ago a solid 56% of voters in this conservative state handed the anti-choice lobby a defeat by rejecting a far-reaching ban on all abortions except those necessary to save the mother's life. Secretary of State Chris Nelson certified the referendum on April 25. Measure 11 proposes banning abortions, except for cases of rape and incest or to preserve the health or life of the woman, exceptions which some political observers think will make the new proposal more likely to pass. If passed, the new law would have the strictest limits on abortion in the nation. Planned Parenthood leader Sarah Stoesz said, "Even though there are technically exceptions this time, the proposed law would make it nearly impossible to get an abortion." Both sides anticipate a court challenge if Measure 11 is adopted.

Voters in Colorado and Montana may face ballot questions defining "personhood" as occurring at the moment of conception. In Missouri signatures are being collected for a referendum banning abortions unless the woman undergoes extensive "emotional" counseling. In Tennessee a proposed constitutional amendment has been introduced that would reverse a 2000 State Supreme Court decision that found a right to abortion in the Tennessee Constitution. Anti-choice leaders want to make the constitution "neutral" on abortion.

Visit ARL's Web Site

You can now visit Americans for Religious Liberty's internet website: arlinc.org. The site contains information about the organization, books available on church-state issues, reprints of important articles, and back issues of our journal.

Moderate Republican Survives Creationist Challenge

A veteran Republican member of the Texas State of Board of Education, Pat Hardy, defeated a well-funded advocate of creationism in a Republican primary in Forth Worth on March 4. Hardy, a former high school teacher, has often opposed social conservatives and creationists and has upheld high standards for science textbooks. Her defeat of physician Barney Maddox retains an eight to seven moderate majority on the school board. Maddox outspent Hardy \$61,203 to \$4,017. In another race in South Texas, moderate Democratic incumbent Mary Helen Berlanga easily defeated a supporter of creation science in the Democratic primary in Corpus Christi. The board will adopt new science standards for Texas schools later this year.

Election Notes

The contentious Democratic nomination campaign occasionally involved religious questions. Both Hillary Clinton and much of the press pounced on remarks made by Barack Obama at a private fundraiser in San Francisco on April 6. Obama said that many small-town and rural residents cling to "guns and religion" because they are "bitter" about the repeated economic difficulties they have faced as jobs leave their communities. Clinton immediately accused her opponent of being "elitist" and added that Democrats are increasingly seen as anti-religious and "patronizing" toward religious people.

In an appearance at the Compassion Forum at Messiah College in Grantham, Pennsylvania, Obama responded to Clinton's criticism: "Religion is a bulwark, a foundation when other things aren't going well. That's true in my own life, through trials and tribulations. And so what I was referring to was in no way demeaning a faith that I, myself, embrace." Obama admitted that his original remarks "could have been phrased better."

Obama also told the audience convened by a nonpartisan group, Faith in Public Life, that he would retain the White House Office of Faith-Based and Community Initiatives created by President Bush but would broaden its scope.

Clinton said her faith will inform her decisions in some matters but did not wish to specify precisely which issues might be affected. Senator John McCain turned down an invitation to address the Faith in Public Life forum, but he continues to have difficulty convincing Religious Right activists that he deserves their active support.

The abortion issue briefly surfaced in Pennsylvania and Indiana, which have sizable communities of socially conservative (but economically liberal) Democratic voters. Obama received the endorsement of Pennsylvania Senator Robert Casey Jr. and former Indiana congressman Timothy Roemer, both anti-choice Democrats but progressive on other issues. Both said Obama can tone down the divisive rhetoric by recognizing that "people of good will can exist on both sides," as Obama claimed in his Messiah College address. Both Obama and Clinton say they want to reduce the incidence of abortion primarily through measures to eliminate poverty and improve public access to contraception and sexuality education. "Pro-lifers" have already attacked both Democrats and appear to be mounting a campaign in support of Senator McCain, who has had a consistent anti-choice voting record.



Second Muslim Elected to Congress

André Carson, a Democrat, won a special election for Indiana's 7th Congressional District (Indianapolis) on March 11. Carson becomes the second Muslim to win a seat in Congress, following fellow Democrat Keith Ellison's victory in Minnesota two years ago. Carson won the seat formerly held by his grandmother, Julia Carson, who died in December. Carson was raised a Baptist and attended a Catholic school before converting to Islam more than a decade ago. His election only covers the unexpired term of Ms. Carson, which ends this year, but he is expected to seek a full two year term in the November general election.

McCain Will Support GOP Platform

Advisers to John McCain told *The Washington Times* in April that the all but certain GOP nominee will not try to challenge the party's platform planks on gay rights or abortion rights; the 2004 platform condemned same-sex marriage, saying, "the well-being of children is best accomplished in the environment of the home, nurtured by their mother and father anchored by the bonds of marriage."

The abortion plank reiterated the party's view that "the unborn child has a fundamental individual right to life, which cannot be infringed... Our purpose is to have legislative and judicial protection of that right against those who perform abortions."



Evangelicals Urge Political Neutrality

A group of 77 evangelical leaders warned against "politicizing" religious faith in a "manifesto" unveiled at the National Press Club on May 7. "Christians from both sides of the political spectrum, left as well as right, have made the mistake of politicizing faith. It would be no improvement to respond to a weakening of the religious right with a rejuvenation of the religious left.

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By the Numbers

- In all 27 state exit polls conducted through March 12, a higher percentage of Republican voters reported weekly church attendance than Democratic voters.
- Mike Huckabee won among evangelicals in 14 states, while John McCain won in six states and Mitt Romney in five states. In Florida and New Hampshire there was a three-way tie among these three candidates among evangelical voters. In all 27 states Huckabee won a bigger share of the vote among evangelicals than among non-evangelicals.
- In 21 states Huckabee ran stronger among women than men. In four states he ran better among men, and in two states there was no gender difference.
- In 11 Republican primaries and caucuses, evangelicals were a majority of Republican voters. These include Alabama (77%), Arkansas (75%), Georgia (62%), Iowa (60%), Louisiana (57%), Mississippi (69%), Missouri (55%), Oklahoma (72%), South Carolina (60%), Tennessee (73%) and Texas (60%).
- 5 states had fewer than 20% evangelicals in the Republican electorate: Connecticut, Massachusetts, New Jersey, New York and Utah.
- In all 24 states with comparative data, more Democrats than Republicans report no religious affiliation and say they never attend

church services. The most secular state is Vermont, where 31% of Democrats were religiously unaffiliated and 40% never attend religious services. The least secular Democratic electorates are in Louisiana, Mississippi and Oklahoma.

- Secular Democrats favored Barack Obama in 21 of these 24 states, while Hillary Clinton won only Arkansas, Florida and Tennessee. The non-churchgoers, however, did not always vote the same way as the unaffiliated. Clinton won in eight states among the stay-at-homes (Alabama, Arkansas, Florida, Louisiana, New Jersey, New York, Ohio and Tennessee) while Obama won among this group in 16 states. Findings in the recent Pew Religious Landscape Survey indicate that some nonaffiliated voters occasionally attend church and say religion is somewhat important in their lives, while the non-church attenders are often disaffected members of the major groups who do not wish to sever their affiliation.

- 68% of American Catholics are registered members of a local parish, while 32% are not.

Sources: *American Catholics Today* by William V. D'Antonio et al. (Rowman and Littlefield Publishers, Inc., 2007, p. 173); The National Election Pool exit polls, available on politics.msnbc.com and elsewhere.



The Voucher Watch

• A proposal to restore a school voucher program in Florida was rejected on February 25 by a state panel, the Taxation and Budget Reform Commission. The Florida Supreme Court ruled in 2006 that a voucher program established by former Gov. Jeb Bush was unconstitutional. However, the Taxation Commission, which meets every 20 years, has approved a proposed constitutional amendment that would repeal a ban on “direct and indirect” aid to religious institutions. This proposal would apply to health care and other programs that contract with faith-based providers.

• The National Coalition for Public Education, which includes ARL, has urged Congress to let a five-year-old pilot voucher program for the District of Columbia expire. “Multiple federal reports released in 2007 indicate the program has not lived up to the promises made by proponents, and argue for not reauthorizing or continuing to fund the expiring pilot program,” the coalition said in March.

The program costs taxpayers \$15 million annually and has 1,900 students. The Coalition cited studies showing that the voucher program has not improved student achievement, is not publicly accountable, and does not ensure true parental choice as claimed. As to the latter point, the Coalition said, “Private schools participating in the Washington, D.C. voucher program are permitted to maintain their admissions standards, meaning students who receive a voucher are not guaranteed access to the school of their choice as proponents claim.”

President Bush has proposed changes to the federal afterschool learning initiative called 21st Century Community Learning Centers. He wants to replace the program with a voucher program that will include faith-based and other private schools. Nearly 1.5 million children have improved their grades in reading, language arts and mathematics under the current system. The National Coalition for Public Education urged Congress on March 10 to reject the Bush scheme. “The proposal for the so-called ‘learning opportunities scholarships’ by the President is an unproven, ideologically driven voucher scheme that would permit federal funding of pervasively sectarian instruction and activities, and threaten the quality afterschool learning opportunities.”

ARL is one of the more than 50 members of the Coalition, which was founded in 1978.

• In April the Georgia legislature passed a tax credit for families and corporations that donate to private school voucher funds. Louisiana approved a tax deduction scheme for families that pay private school tuition. In both states most nonpublic schools that benefit from the programs are faith-based. Florida and Oklahoma are considering similar legislation.

Education Week reporter Michele McNeil wrote on April 23: “The spate of activity suggests that the school choice movement is avoiding the especially divisive issue of universal vouchers, which would let any public school student receive state aid to move to a private school. . . . Instead, legislatures are sticking to targeted voucher programs for students deemed at risk academically and tax credits that encourage individuals and companies to donate to privately run voucher programs.”

Georgia passed a generous bill, making it the sixth state (Iowa, Minnesota, and Arizona among them) to offer tax credits for donations to private organizations that provide vouchers for private school tuition. In Georgia tax credits of \$2,500 are available to families while corporations are eligible to receive credits up to the maximum value of their donations. Georgia also maintains a voucher program for students with disabilities. Louisiana’s program is less generous, since tax deductions are worth less than tax credits. Still, the deductions are \$5,000 per child. Louisiana’s Republican Governor Bobby Jindal signed the Loui-

siana bill into law in March and is now advocating a voucher program for private schools in New Orleans.

• President Bush made some of the strongest endorsements of his presidency for a \$300 million proposal to allow 75,000 children from low-income families to attend faith-based schools. At a White House Summit on April 26, the president lamented the closure over the past decade of 1,200 church-related schools in inner cities, which once had 425,000 students. Bush called these schools “a critical national asset.” The conference was stacked with supporters of school vouchers. Catholic schools have been hardest hit, with 1,300 fewer schools and 300,000 fewer students, since 1990. The decision to close them came from individual dioceses, reflecting the cash-flow problems of U.S. Catholicism, largely a result of huge payouts for victims of clerical sex abuse.

A report by the conservative Thomas B. Fordham Institute suggested that vouchers would not necessarily halt the decline of urban Catholic schools. Hunter College urban affairs professor Joseph Viteritti said faith-based schools would be better served by private philanthropy. A pilot program in the diocese of Wichita urged Catholic churchgoers to tithe to support their schools, and initial reports suggested that it may be successful.

Democrats on Capitol Hill are unlikely to support Bush’s “Pell Grants for Kids” program.

ARL in Action

Edd Doerr debated abortion rights and related issues before a Jewish youth audience on February 19 in Alexandria, Virginia. The *Panim el Panim* seminar was sponsored by Panim, The Institute for Jewish Leadership and Values, headquartered in Rockville, Maryland. Among the distinguished trustees, advisors are the eleven Jewish members of the U.S. Senate, who serve as honorary chairpersons.

In March, ARL joined an amicus brief to the U.S. 9th Circuit Court of Appeals in a case from Washington State dealing with First Amendment rights of women who are denied access to contraceptives by pharmacists.

ARL joined an *amicus* brief to the Sixth U.S. Circuit Court of Appeals on a case involving public funds to repair houses of worship. The case, *American Atheists, Inc. v. Detroit Downtown Development Authority*, 503 F. Supp. 2d 845 (Eastern District of Michigan, 2007) is on appeal to the Sixth Circuit because the district court held that tax dollars can be given directly to churches to make repairs and improvements to their sanctuaries and parking lots. The court also ruled that public funds cannot be spent on “religious images, icons or messages.”

ARL president Edd Doerr spoke to Machar Humanistic Jewish congregation in Washington, D.C., on April 11.

ARL national advisor Francisco J. Ayala was profiled in *The New York Times* on April 29. The admiring sketch of the Madrid-born scholar noted that he is a “roving defender of evolution” and author of the 2007 book *Darwin’s Gift to Science and Religion*. Journalist Cornelia Dean wrote, “An evolutionary biologist and geneticist at the University of California, Irvine, he speaks often at universities, in churches, for social groups and elsewhere, usually in defense of the theory of evolution and against the arguments of creationism and its ideological cousin, intelligent design.”

Editorial

Statuary Rape¹

Each state is permitted to have two statues of historical figures in the U.S. Capitol's National Statuary Hall. States are allowed to change the statues. On August 31, 2006, the California legislature rushed through a joint resolution to place a statue of Ronald Reagan in the Hall. This meant replacing the statue of Thomas Starr King. The only vote against the resolution was that of State Senator (and currently California Secretary of State) Debra Bowen, who later said: "I truly had 40 seconds to get my thoughts together on this. I was trying to explain who Thomas Starr King was, but there wasn't time. With more time and some actual discussion the outcome might have been different. I was really offended by the way it happened. It was so politicized."

Resolution sponsor Senator Dennis Hollingsworth told the *San Francisco Chronicle*, "To be honest with you, I wasn't sure who Thomas Starr King was, and I think there's probably a lot of Californians like me."

Who was Thomas Starr King? Just "the orator who saved the nation"! King, a Unitarian minister in San Francisco, led the struggle during the Civil War to keep California in the Union. Senator Hollingsworth seemed ignorant of that fact and of the facts that two mountains in the state are named after him, his tomb and church in San Francisco are designated national monuments, two streets, a middle school, and a Unitarian Universalist seminary in Berkeley are named after him, and there is a statue of him in Golden Gate Park on JFK Drive. And in 1913 he was voted one of California's two greatest heroes.

So, if King's statue is moved out and replaced by Reagan's, who is honored by the state's second statue? Miguel Junípero Serra y Ferrer!

Serra, 1713-1784, was a loyal Spanish colonizer who helped build a chain of missions from San Diego to San Francisco. He died three years before the U.S. Constitution was written and 64 years before California became part of the United States. And the Spanish missions operated by enslaving and exploiting the labor of Native Americans.

Maybe Archie Bunker was right about some of the folks in the Golden State. A legislature disrespects one of its state's greatest heroes while honoring someone who never set foot in the United States but abused the natives of what was then a Spanish colony!

Sheesh!

—Edd Doerr

¹ Rape. To take or despoil; an outrageous violation [Webster's].

Political Neutrality, *continued from page 7*

A politicized faith is faithless, foolish and disastrous for the church."

Observers believe it was aimed at the close ties between the Republican Party and much of the organizational structure of evangelicalism, which represents a fourth of the U.S. electorate. The 19-page document, available at www.evangelicalmanifesto.com, called for a "civil public square" and warned against any "dangerous alliance between church and state." The manifesto castigated "political zealots" whose "emotional responses" to many public issues have harmed the evangelical cause. Richard Mouw, president of Fuller Theological Seminary in Pasadena, supported the manifesto, as did some conservatives like Os Guinness, founder of the Trinity Forum. Most leading conservatives, including James Dobson, Richard Land, Albert Mohler and Tony Perkins, refused to endorse the document, which was largely aimed at them anyway.

Updates

Evolution Wins in Florida

The Florida State Board of Education voted four to three on February 19 that state science standards must recognize evolution as "a fundamental concept underlying all of biology." It was not an unequivocal victory since the phrase "the scientific theory of evolution" precedes the discussion. However, the state standards declare that "a scientific theory represents the most powerful explanation scientists have to offer."

The previous standards adopted in 1999 received a failing grade in an assessment of state science standards by the Thomas B. Fordham Foundation in 2005. Religious conservatives mounted a campaign against mentioning evolution at all. Conservative Republican members of the Florida legislature attempted to undermine the new standards by proposing a misnamed "Academic Freedom Act," ostensibly to allow teachers to discuss "alternatives" to evolution. The bill was approved by both houses but the legislature adjourned on May 2 without resolving differences between two different versions.

A similar "Academic Freedom Act" was introduced in the Louisiana legislature on March 21 and approved by the state senate on April 28. Other bills are pending in Alabama, Missouri and Michigan. According to the National Center for Science Education, these bills are being modeled on legislation promoted by the Discovery Institute's Center for Science and Culture, "the institutional home of intelligent design creationism."

Iowa Ends Religious Prison Program

Iowa officials ended the Prison Fellowship program for inmates at Newton prison in March. The faith-based rehabilitation program had used taxpayer money until federal district and appeals courts ruled that the use of public funds for a religion-saturated program was unconstitutional. The program's contract was scheduled to end in June, and its enrollment had dropped.

Creationists Lose in Texas

A creationist organization will not be allowed to offer a master's degree program to science teachers in Texas. In April the Texas Higher Education Coordinating Board unanimously rejected a proposal by the Dallas-based Institute for Creation Research. The commissioner for Texas higher education, Raymund Paredes, said that since "the proposed degree program inadequately covers key areas of science, it cannot be properly designated either as 'science' or 'science education.'" He added, "Religious belief is not science. Science and religious belief are surely reconcilable, but they are not the same thing."

The Institute, which moved to Texas from California last year, requires students and faculty to profess faith in a literal six-day creation and belief in a young-earth theory of the origins of the earth.

National Day of Prayer Controversy

As in recent years, the 2008 National Day of Prayer on May 1 was criticized for its lack of inclusiveness and its domination by evangelical Protestants. A national Jewish group, Jews on First, initiated a campaign
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paigned for an “inclusive prayer day” and received support from the Interfaith Alliance, civil rights groups, Muslim organizations and the Roman Catholic Archdiocese of Los Angeles. Jane Hunter, co-director of Jews on First, told *The Christian Science Monitor*, “The National Day of Prayer ‘has been hijacked.’ Only Christian clergy are invited to participate. . . . And they encourage their coordinators to enlist elected officials or stage their observances on public property. This undermines the First Amendment’s prohibition against any establishment of religion.”

Protest observances were held in Fresno, California, and in Camp Hill, Pennsylvania, among other places. But the official National Day of Prayer task force vice chairman Brian Toon said, “From our standpoint, we feel our nation was founded on Christian principles, and that’s our basis for making the day Judeo-Christian. We don’t exclude others from holding their own events.” The task force website requires that volunteers and coordinators agree to a statement of belief that begins “I believe that the Holy Bible is the Inerrant Word of the Living God. I believe that Jesus Christ is the Son of God and the only One by which I can obtain salvation.” The task force’s head is Shirley Dobson, wife of Focus on the Family founder James Dobson.

The Military Religious Freedom Foundation criticized the scheduling of prayer day events on six military installations.

The National Day of Prayer was established by Congress and proclaimed by President Harry Truman in 1952 and was moved to the first Thursday in May by President Ronald Reagan in 1988.

Will Iraq Go on Blacklist?

The United States Commission on International Religious Freedom, a government watchdog agency, urged the State Department to add Iraq to its annual list of nations where religious freedom is in jeopardy. On May 2, the independent group warned Secretary of State Condoleezza Rice that Iraq should be considered a “country of particular concern” because of constant religious strife and the destruction of mostly Christian places of worship. In recent weeks bishops and priests from Catholic and Orthodox churches have been murdered in the war-torn nation.

At present the State Department considers eight nations as the worst violators of religious liberty: China, North Korea, Iran, Sudan, Eritrea, Saudi Arabia, Uzbekistan and Myanmar (Burma).

The commission that advises the State Department urged Rice to add Vietnam, Pakistan and Turkmenistan to its blacklist of religious freedom violators, according to a report by the French news agency, *Agence France-Presse*.

F.Y.I.

David Iglesias was one of the eight federal prosecutors fired by the Bush administration, presumably for failing to politicize his office. Interviewed in *The New York Times* on May 25, he said that he has forgiven and prayed for Karl Rove and his other “political tormentors,” but when asked if he thought Rove mentioned Iglesias in his prayers, he responded, “My understanding is that he is an agnostic [a fact confirmed by journalist Bill Moyers and historian Garry Wills] . . . The irony is you have this agnostic using the religious beliefs of evangelical Christians for political purposes.”

Seven other nations have been placed on a “watchlist” of nations that repress religious liberty to some degree. They include Afghanistan, Bangladesh, Belarus, Cuba, Egypt, Indonesia and Nigeria.

Texas Bible Course Ended

After a lawsuit was filed last May by eight parents, the Ector County, Texas, school board has decided to end a controversial Bible course produced by a fundamentalist religious group based in North Carolina. A new Bible course that takes a more objective, historical approach and does not promote fundamentalist Protestant Christianity will take its place in the 2008-2009 school year. A mediator in Dallas developed the compromise solution, effectively ending the lawsuit.

The agreement was praised by the ACLU’s Jeremy Gunn. “It is unacceptable for government officials to decide which religious beliefs are true and which are not and then use the public school system as a means of proselytizing children.” ACLU and the People For the American Way Foundation sued the Ector County Independent School District for approving a course designed by the National Council on Bible Curriculum in Public Schools. The new course must avoid religious indoctrination and must include a multi-translation or parallel translation Bible as the textbook.

Minneapolis Schools Partner with Churches

For several years the Minneapolis Public Schools have implemented a faith-based initiative in which students spend 90 minutes every Wednesday afternoon (after school) in classes at area churches. The program is designed to mix recreation with additional history lessons. Authorities have tried to steer clear of church-state issues since the original program (S.A.Y. Yes!, for Save America’s Youth) was developed by Here’s Life Inner City, a branch of Campus Crusade for Christ. Writes reporter Scott Russell in the *Twin Cities Daily Planet*: “Church leaders here have made the curriculum more secular to meet the requirements placed on it by the new school-based partnership. . . . because the district provides students a late bus ride home, the church does not do Bible studies.”

The program has attracted mostly Protestant church sponsors. Adds Russell, “The current slate of churches in the Minneapolis Public Schools faith-based initiative is heavily weighted toward Protestant and evangelical congregations.” In a January report, 25 Protestant congregations and one Jewish community, Temple Israel, participated. Five Protestant churches and one Catholic parish are in the planning stages for entering the initiative. The school district forbids prayer and evangelistic services. Most of the programs are in less affluent inner-city neighborhoods.

International Updates

Amman: Twenty-seven foreign evangelical missionaries were deported from Jordan in 2007, according to Compass Direct News in January. Those deported or denied residency permits included pastors, seminary students and teachers from the United States, Europe, South Korea, Egypt, Sudan and Iraq. *Christianity Today* reported in May that “freedom to practice their faith is increasingly entangled with national security issues.” Both the Jordanian government, considered a moderate Muslim regime, and the Council of Church Leaders in Jordan denounced the evangelical missionaries’ activities, which, they said, “threatened the longstanding peace between Christians and Muslims.” Evangelical proselytizing was also criticized by Catholic and Orthodox bishops.

Christianity Today reporter Nate Sabarese added, “Jordan’s moderate government is facing growing political pressure from at least three sources: Islamic fundamentalism, turmoil in surrounding nations, and the economic strain of hosting almost one million Iraqi refugees. Observers say reducing the number of foreign evangelicals allowed the government to build political capital with both Muslim hardliners and Christian bishops.”

Athens: Greece’s policy of applying religious oaths to lawyers who seek to practice their profession violates Article 9 of the European Convention of Human Rights, according to a February 21 ruling by the European Court of Human Rights. The case, *Alexandridis v. Greece*, involved a lawyer who was forced to reveal that he was not a member of the Greek Orthodox Church when he took an oath of office in 2005 as a precondition to practicing before Greek courts. The European Court ruled “that the freedom to manifest one’s beliefs also contained a negative aspect, namely, the individual’s right not to be obliged to manifest his or her religion or religious beliefs and not to be obliged to act in such a way as to enable conclusions to be drawn regarding whether he or she held or did not hold such beliefs.” The Court held “that this procedure reflected the existence of a presumption that lawyers going before the court were Orthodox Christians.” Therefore, “The fact that the applicant had had to reveal to the court that he was not an Orthodox Christian had interfered with his freedom not to have to manifest his religious beliefs. There had therefore been a violation of Article 9.”

Cairo: An Egyptian court ruled on February 5 that adherents of the Bahai faith are eligible to receive new national identification cards that do not state their religious affiliation. The decision follows an appeal by two Bahai families who were refused cards by the interior ministry because Egypt recognizes only Islam, Christianity and Judaism. Identity cards and birth certificates require a statement of religion, as do drivers’ licenses, bank accounts and insurance records. Individuals who attempt to change their religion in adulthood also exist in a precarious position, since attempts to leave Islam have been considered apostasy, a crime punishable by death. Islamic law, *sharia*, was imposed in Egypt in 1981, but Egyptian courts, and the Grand Mufti, Islam’s chief religious figure and a government adviser, are modifying Islamic strictures.

Jakarta: Hardline Muslims demonstrated on April 20 outside the presidential palace, urging Indonesia’s moderate president Susilo Yudhoyono to ban an unorthodox Muslim sect, Ahmadiyah, founded in 19th century India and claiming 200,000 followers. Indonesia, the world’s most populous Muslim nation, guarantees religious freedom in Article 29 of its constitution: “The state guarantees all persons the freedom of worship, each according to his own religion or belief.”

However, Article 28 says “the state shall be based upon the belief in the one and only God,” and Indonesian law requires citizens to belong to one of six officially recognized religions (Islam, Christianity, Judaism, Buddhism, Confucianism and Hinduism). Commented *The Economist* (April 26): “Some Ahmadiyah members have called for help from the United Nations’ Human Rights Commission. The outside world—which has so far seen Mr. Yudhoyono as a democrat, a reformist and a leader of moderate Islam—might indeed make it clear to him that giving in to the bullies and repressing a peaceable religion would have unfortunate consequences.”

London: Archbishop of Canterbury Rowan Williams provoked a furor when he suggested on February 7 that some accommodation between British civil law and Muslim *sharia* was “inevitable” and perhaps desirable in the long run. Critics left and right denounced the Church of England’s titular leader, suggesting that liberal democracy

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itself would be in peril if *sharia* is accepted.

This led editors of *The Economist* to note in the February 18 issue that accommodations between secular and religious laws are already widespread in many democracies. Jewish and Muslim dietary laws are recognized in many countries, as are the Orthodox Jewish *beth din* religious courts, which determine marriage, divorce and remarriage questions that often conflict with civil laws. The Amish community has successfully opted out of social security, child labor and compulsory education laws in the United States.

In 2001 the European Court of Human Rights got involved in an Italian annulment case whose decision violated European Union standards of gender equality. The boundaries between church and state are porous and changing. Observed *The Economist*: “But in almost every democracy which aspires at the same time to be fair, secular and tolerant of religious diversity, it is getting harder to mark out and preserve the boundary. . . . As anxiety over (real or imaginary) Muslim demands for *sharia* turns into a broader worry about theocracy and religious exceptionalism, many democracies are seeing bizarre multi-polar disputes between secularists, Christians, Muslims and other faiths.”

London: Britain’s religious groups are trying to boost their influence in Parliament, hoping to convince policy-makers to consider social justice in a broad moral context. The Catholic Church has set up Parliamentary Interns to place young Catholics in parliamentary offices. Last year Cardinal Cormac Murphy-O’Connor, Britain’s top Roman Catholic prelate, invited all 68 Catholic Members of Parliament (about 10% of the total) to a briefing. Only 25 attended. This points up a problem. Reporter Isabel de Bertodano observed in *The Tablet* on May 10, “The Church has long wrestled with uneasiness over the extent to which it should assert its influence in the political field or voice allegiances.” Catholic bishops published a far-ranging document, “Common Good” in 1996, which apparently influenced the Labour Party leadership, which took office in 1997. Its positions on poverty, health care, homelessness and immigration were liberal. Today, Catholics who support the Conservative or Tory Party are seeking closer ties with the Catholic community.

An evangelical group, the Oasis Trust, will open the Oasis Center in Westminster in June, saying it is “dedicated to the church’s engagement with social justice, government, religion and business.” It is endorsed by the Anglican bishop of Liverpool.

Many British parliamentarians have been indifferent or hostile to church involvement in politics, and religion is far less influential on political behavior in the United Kingdom than in the United States. Even William Hague, former leader of the Conservative Party who lost to Tony Blair in a landslide in 2001, told an audience at Westminster Cathedral that “the Conservative Party didn’t do God in a corporate way.”

Madrid: Despite opposition from conservative Catholic and “pro-family” groups, Socialist Prime Minister José Luis Rodríguez Zapatero

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won the March 9 election. His margin was narrow, due to economic difficulties and regional dissatisfaction among Catalans and Basques, but voters refused to punish the government for liberalization of divorce, abortion and gay rights laws as church leaders had hoped.

The Maldives: This tiny nation of 350,000, an archipelago in the Indian Ocean, is the most recent victim of growing Islamic extremism. Despite a high income (for South Asia) and record tourism, the Sunni Muslim island nation is facing a revolt from young religious activists trained by Wahhabi clerics in Saudi Arabia. An assassination attempt on the life of the president, Maumoon Abdul Gayoom, was thwarted in January. In a situation akin to that of Algeria, Islamist dissidents have been arrested by President Gayoom, who has been in power for 30 years. A democratic election has been promised for later this year. Gayoom “promoted Islam as the cornerstone of Maldivian national identity,” according to *The Economist* (February 16, 2008) but his own Supreme Council on Islamic Affairs is leaning toward Islamic radicalism. A religious political party, Adhaalath, is gaining strength. *The Economist* commented: “As elsewhere in South Asia, political uncertainty is providing a space in which Islamist extremism can grow.”

Melbourne: Successive Australian governments have provided more federal funds to private schools (\$5.7 billion in 2007/2008) than public schools (called “government schools” Down Under), which receive \$2.5 billion. Statistics released by the Australian Council for the Defense of Government Schools also reveal that the number of state-funded private schools has increased from 2,205 in 1964 to 2,319 in 1985 and 2,694 in 2005. The vast majority are church-affiliated, with Roman Catholic schools numbering 1,688. The Catholic sector, however, has declined as a percentage of all private schools from 82.9% in 1964 to 62.7% in 2005. There has been a significant increase in nondenominational Christian schools and in schools belonging to Anglicans and Lutherans. Australia has 29 Muslim, 19 Jewish and 14 Eastern Orthodox schools. There are 150 Anglican, 82 Lutheran, 56 Seventh-day Adventist and 42 Baptist schools in Australia.

ARL president Edd Doerr was involved in the original constitutional challenge that failed in 1981 in the Australian Supreme Court, which ignored its own establishment clause. More information is available at www.adogs.info.

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“It makes no sense in a pluralistic society to give one church special status. Nor does it make sense, in a largely secular country, to give special status to all faiths. ...Disestablishing the Church of England does not mean that it has no public role to play. America’s founders said there should be no established religion, but religion shapes public debate to a degree that many in Europe find incomprehensible. Let religion compete in the marketplace for ideas, not seek shelter behind special privileges. One law for all, with its enlightened insistence on tolerance and free speech, is not a ‘bit of a danger,’ It is what underwrites the ability of all religions to go about their business unhindered.”

From editorial, *The Economist*, February 16, 2008.

Moscow: President Vladimir Putin and his allies made the Russian Orthodox Church an arm of the state, said *New York Times* reporter Clifford Levy in an article published on April 24. Levy wrote, “Just as the government has tightened control over political life, so, too, has it intruded in matters of faith. The Kremlin’s surrogates in many areas have turned the Russian Orthodox Church into a de facto official religion, warding off other Christian denominations that seem to offer the most significant competition for worshipers. They have all but banned proselytizing by Protestants and discouraged Protestant worship through a variety of harassing measures, according to dozens of interviews with government officials and religious leaders across Russia.” Putin, who became prime minister in May, frequently appeared with Patriarch Aleksei, II, the Orthodox leader, on national television and at Easter services.

Crackdowns on Protestants in southwestern Russia have intensified. In Stary Oskol police shut down a Methodist church, evicted a Seventh-day Adventist congregation from its meeting hall and refused to allow Baptists to hold a music festival. The worst repression is centered in the Belgorod region in the southwest. There are about two million Protestants among Russia’s 145 million people. Nearly 71% of Russians polled recently said they were Orthodox, up from 59% in 2003, though regular church attendance is low, and divorce and abortion rates remain high.

Moscow: New president Dmitry Medvedev was sworn in May 7. His inauguration at the Grand Kremlin Palace was followed by an Orthodox ceremony presided over by the patriarch, during which Medvedev kissed an icon.

Tehran: Thousands of adherents of religious minorities have left Iran during the past two decades, mainly for the United States. A U.S. government program has encouraged and even financed the migration. The Chaldean Catholic community has declined from 30,000 to 3,000. The Assyrian Christian Church has also lost members, as have Jews and Zoroastrians. Ironically, some Christians are not happy about the development. Yonathan Bertkolia, an Assyrian Christian leader and member of Parliament, complains that “the U.S. goal is to propagate the idea that Iran is mistreating its minorities.” (Bahais have been executed since the Islamic Republic was proclaimed in 1979, and an Anglican bishop was killed in the early days of the regime). The Hebrew Immigrant Aid Society, based in New York, received \$3.4 million from the U.S. government last year, and has resettled 2,842 Iranian Jews in the U.S. since 1998, according to a report in the *Washington Post* (March 1, 2008).



Church and State in the Courts

Maryland's highest court ruled unanimously on May 6 that the Islamic divorce provision known as *talaq* is invalid in Maryland. Under *talaq* a husband may divorce his wife simply by verbally declaring "I divorce thee" three times. Maryland's Court of Appeals declared that *talaq* is contrary to Maryland's Constitution, which mandates equal treatment for men and women. The court wrote, "*Talaq* lacks any significant 'due process' for the wife; its use, moreover, directly deprives the wife of the 'due process' she is entitled to when she initiates divorce litigation in this state. The lack and deprivation of due process is itself contrary to this state's public policy."

The decision affirmed a 2007 ruling by the Court of Special Appeals. In this case Irfan Aleem, an economist at the World Bank, sought to forestall a divorce proceeding filed against him in 2003 by his wife, Farah Aleem, in Montgomery County Circuit Court. Aleem went to the Pakistani Embassy and executed a written document asserting he had divorced his wife. He therefore tried to avoid a settlement that his wife was entitled to half of the couple's joint assets, but Maryland courts forced him to pay. Scholars and legal experts say that Islamic marriage laws are not enforceable in the U.S.



A New Jersey high school football coach does not have a constitutional right to engage in religious activities with students, according to a unanimous ruling from the 3rd U.S. Circuit Court of Appeals. The April 10 decision by a three-judge panel overruled a lower court, which had upheld the 23-year practice by Coach Marcus Borden of East Brunswick High School. The appeals court held that the school district's policy prohibiting staff participation in student prayer was not unconstitutional. Furthermore, Borden's actions could be construed by reasonable observers as promoting religion. Judge D. Michael Fisher wrote, "We find that, based on the history of Borden's conduct with the team's prayers, his acts cross the line and constitute an unconstitutional endorsement of religion. Although Borden believes that he must continue to engage in these actions to demonstrate solidarity with his team, which is perhaps good for a football team's unity, we must consider whether a reasonable observer would perceive his actions as endorsing religion, not whether Borden intends to endorse religion. In Borden's case, the conclusion we reach today is clear because he organized, participated in, and led prayer activities with his team on numerous occasions for twenty-three years. Thus, a reasonable observer would conclude that he is continuing to endorse religion when he bows his head during the pre-meal grace and takes a knee with his team in the locker room while they pray."



Breakaway Episcopalians won the first round in what is expected to be a prolonged court battle over property rights in Virginia. A Fairfax County judge ruled April 3 that dissident parishes constituted a legal "division" under an obscure 1867 statute. The Civil War-era law said that the majority of a church is entitled to its property when there is a split or withdrawal. The National Episcopal Church and its Virginia diocese maintain that the 1867 law is unconstitutional because it gives

the state the right to tell a religious group how to govern its affairs. Circuit Court Judge Randy Bellows, who made the April decision, said he would rule on the constitutionality of the 1867 statute at a later date. A full trial is also scheduled on the merits of the property dispute.

The departing congregations represent 7% of Virginia's Episcopal parishes. They are aligned with a conservative group called the Convocation of Anglicans in North America, which in turn is under the control of the Anglican Church of Nigeria.



The U.S. Supreme Court agreed on March 31 to decide whether a municipality that allows the Ten Commandments to be displayed in a public place must also allow other religious monuments. The Court decided to review the 10th U.S. Circuit Court of Appeals' decision last year in *Pleasant Grove v. Summum* that said the city of Pleasant Grove, Utah, must allow an organization called Summum to install a monument to "Seven Aphorisms" alongside the Commandments. The court will hear oral testimony in the fall.



A California appeals court ruled on February 28 that parents do not have a constitutional right to homeschool their children. The court decided that children must attend a public or private school or be taught by a teacher who holds a valid state teaching license. The ruling, by the Second District Court of Appeal, held that state education law allowing independent study "does not apply to mother's home schooling of the children." If the mother held a valid teaching license, homeschooling could be legal. Approximately 60,000 families in California homeschool their 166,000 children and could be affected by the decision.

The Homeschool Legal Defense Association, based in Virginia, said that California is the most restrictive state regarding homeschooling. According to a report by Sarah Pulliam in *Christianity Today* (March 12, 2008), "Families who homeschool their children in California are
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'Aiding Catholic schools'

Amy Fagan's March 4 article on the Bush administration's efforts to provide tax aid to Catholic schools left out the following facts: D.C. voters in 1981 rejected a tax code school voucher plan by 89% to 11%. Millions of American voters in 26 statewide referendums have rejected vouchers by a two to one margin. At least three fourths of the state constitutions clearly prohibit tax aid to faith-based schools.

Catholic school enrollment has declined from 5.5 million students in 1965 to 2.3 million today because of changing parental preferences and the religious neutrality of public schools confirmed by the Supreme Court in the early 1960s.

If the administration wants to help kids, it should concentrate on seeing that our public schools are adequately and equitably funded from pre-K through college.

— Edd Doerr

This letter was published in the *Washington Times* on March 7, 2008.

Church and State in the Courts, *cont. from page 13*

required to file a private school affidavit with state regulators or to enroll their children in alternate education programs such as private school satellite instruction or independent study.”

Governor Arnold Schwarzenegger announced on March 7 that he would propose legislation to allow home schooling to continue and denounced the court decision as “outrageous.”

The court ruling has been suspended pending a June hearing. The case has national implications. Luis Huerta, a professor at Columbia University’s Teachers College, told the *Washington Post*, “All eyes are on California right now, because [home-school communities] don’t want something like this to get bigger than it already has. This might set the trend where other states begin to examine the statutes that allow home schooling in their states.”



A Wisconsin court ruled that faith-based schools are not exempt from anti-discrimination laws. A state appeals court decided in April that Coulee Catholic Schools had discriminated against a female lay teacher because of her age. The church had argued that her position was “ministerial” and, therefore, she could be fired despite state laws prohibiting age discrimination. The unanimous decision written by Judge Margaret Vergeront of the 4th District Court of Appeals observed, “A general exemption for teachers in religious schools would be more expansive than warranted when considered in light of the magnitude of the state’s interest in the enforcement of anti-discrimination laws.” The school may appeal to the Wisconsin Supreme Court. The case hinged on whether Wendy Ostlund, who taught mostly social studies, math, science and reading, as well as two hours of religion a week, was ministerial. The court held that her position did not fit the definition. (In previous cases, state courts held that the state could not intervene in church hiring or firing decisions involving ministerial employees.)



A federal judge has barred Grayson County, Kentucky, from using the Ten Commandments as part of a “Foundations of American Law and Government” display at the county courthouse. The April decision by U.S. District Judge Joseph H. McKinley held that the display “has the effect of endorsing religion.” County officials said they will either appeal the ruling or erect a modified display.



A Wisconsin appeals court upheld sanctions against a pharmacist who refused to dispense birth control pills to a patient and refused to transfer her prescription. The 3rd District Court of Appeals ruled March 26 that punishment meted out by the Pharmacy Examining Board against pharmacist Neil Noesen did not violate his rights of conscience. “Noesen abandoned even the steps necessary to perform in a minimally competent manner under any standard of care,” the three-judge panel said. The board reprimanded Noesen three years ago for his role in the original incident in 2002. The issue has arisen in several states where pharmacists claim they have a right to refuse to fill certain birth control

or “morning after” pills on grounds of their religious beliefs. Many civil liberties and reproductive health groups see the trend as an assault on freedom of choice.



A Louisiana school system must stop Bible distribution to students, a federal judge ruled in April. U.S. District Judge Carl J. Barbier wrote, “Distribution of Bibles is a religious activity without a secular purpose.” The Bible giveaway program in Tangipahoa Parish indicates favoritism toward and promotion of Christianity. ACLU of Louisiana filed suit on behalf of a family that requested anonymity. The school board has appealed the decision to the U.S. 5th Circuit Court of Appeals.



An alliance of faith-based organizations filed suit in federal court in Iowa on March 19 charging that an Iowa state program discriminates against religious charities that provide social services. The Iowa One Gift program allows state employees to deduct money from their payroll checks for charities of their choosing but disqualifies any group that engages in “sectarian activities, including activities aimed at promoting the adoption or defeat of any one or more religious viewpoints.”

The Christian Legal Society, a national group based in Virginia, said the Iowa Department of Administrative Services, which manages the program, violated the Constitutional rights of state employees who wish to donate to faith-based groups. “No legal reason exists for Iowa to prevent state employees from voluntarily giving their own money to religious charitable organizations. Religious charities providing critical social services should not be denied equal treatment in this program simply because these charities also practice their religious beliefs and hire persons who share them,” commented attorney Casey Mattox, on behalf of the Association of Faith-Based Organizations. Under the regulations, some religious groups may be eligible as long as they do not “actively promote a religion.”



The U.S. Department of Justice filed a friend-of-the-court brief on April 1 in support of churches that seek to rent public buildings. The U.S. Court of Appeals for the Second Circuit is considering an appeal of *Bronx Household of Faith v. Board of Education of the City of New York*. In November 2007 a lower federal court issued a permanent injunction against the New York City School Board, requiring it to rent space to religious groups on the same terms and conditions as other secular community groups, but the school board appealed. The dispute began more than a decade ago, when the board refused to rent space in a public school for the church’s Sunday services and meetings.



A Kentucky court has barred a Southern Baptist college’s pharmacy school from receiving \$12 million in public funds. In April, Franklin County Circuit Judge Roger Crittenden ruled that the state legislature’s appropriation of funds violated the state constitution’s ban on the use of public funds for “any church, sectarian or denominational school.”

Books and Culture



So Help Me God: The Founding Fathers and the First Great Battle Over Church and State, by Forrest Church. Harcourt, Inc., 2007, 530 pp., \$28.00.

Revolutionary Spirits: The Enlightened Faith of America's Founding Fathers, by Gary Kowalski. BlueBridge, 2008, 215 pp., \$22.00.

The Court and the Cross: The Religious Right's Crusade to Reshape the Supreme Court, by Frederick S. Lane, Beacon Press, 2008, 263 pp., \$24.95.

For over two centuries theocons (i.e., the Religious Right or theocratic conservatives) have fought to promote their claims that the U.S. is a "Christian nation" and that our constitutional principle of separation of church and state should be drastically watered down or scrapped. In their magisterial books, Forrest Church and Gary Kowalski, both Unitarian Universalist ministers, torpedo these leaky claims below the water line.

Church (editor of the 2004 book *The Separation of Church and State: Writings on a Fundamentalist Freedom by America's Founders* and a member of ARL's National Advisory Board) thoroughly examines the lives, the religious and church-state views, and the complex political involvements of our first five presidents, Washington, Adams, Jefferson, Madison, and Monroe. Kowalski does pretty much the same with Founders Benjamin Franklin and Thomas Paine as well as the first four presidents. Both authors bear out what historian Garry Wills documented in his superb book *Head and Heart: American Christianities* (reviewed in our last issue), that "the chief founders of the nation were all Deists" and clearly intended our government to be secular, that is, religiously neutral, with church and state separated by a wall.

Lane, a legal journalist, fast forwards to today to examine in depth the current theocon threats to religious liberty and church-state separation. He shows how the Religious Right, frustrated by their failure to achieve all of their goals through the legislative and executive routes, have concentrated their efforts over the last 30 years on electing presidents who will appoint federal judges and Supreme Court justices who will dismantle the already eroded wall of separation between church and state.

The U.S. Supreme Court is the great prize, the theocons' Holy Grail, and it appears to be near their grasp. Additions to the Court like Scalia, Thomas, Alito, and Roberts, together with the aging of the Court's remaining liberals, means that the next president will have the power to shape the Court, either to protect the legacy of *Everson*, *McCullum*, *Lemon*, *Roe* and other landmark victories for separation and religious liberty or to open the public treasury door to faith-based schools and favored charities, to inject sectarian religion into public schools, to bind women in involuntary servitude to sectarian medical codes, to slowly eat away the Bill of Rights, and to drag our country back to the Middle Ages.

Lane's thorough knowledge of the law and the Supreme Court rulings of the last century allow him to deal thoroughly and authoritatively with the long running controversies over school vouchers, public school prayer, religion in the workplace, charitable choice, reproductive rights, and other issues.

Lane paints a clear, detailed picture of how the Religious Right developed, how it operates, and what will befall our country if they are not stopped.

All three of these books merit the highest praise, but given the

supreme importance of this year's presidential and congressional elections, Lane's book is clearly indispensable. All are well worth the price.

—Edd Doerr

Bleached Faith: The Tragic Cost When Religion is Forced into the Public Square, by Steven Goldberg. Stanford University Press, 2008, 161 pp., \$24.95.

What happens when religion is forced into the public square by theocons and religious right zealots even when the public realm may be an inappropriate place? Religion is demeaned, robbed of its primary role as provider of ethics and meaning and reduced to a political bit player on a tawdry stage, according to the author, a professor at Georgetown University Law Center. In a few brief but lucid chapters, Goldberg argues that the Ten Commandments have lost their ultimate meaning when erected on courthouse walls, that Christmas crèches and Chanukah menorahs are meaningless when they share space with Frosty the Snowman. "It is a sign of weakness—an admission that religion needs artificial life support—to push religious symbols into the smothering embrace of government. If the push succeeds, religion is weakened further when it is distorted to fit governmental desires."

He adds, "The Ten Commandments...are a casualty of the war to push religion into the public square. This is a war where the victories are more dangerous than the defeats. When religion wins, the vague and confusing symbols that enter public view do not stir anyone's soul."

He ridicules the intelligent design movement which, he says, "empties religion of everything that makes it important." God becomes, not a source of awe and inspiration, but "a second-rate engineer." Wryly, Goldberg observes, "The Book of Genesis is an extraordinarily influential religious text that remains of great importance to countless people of faith. It will survive its absence from ninth-grade biology class."

Finally, someone has said what needs to be said. Old-fashioned conservatives, as opposed to the pseudo-conservatives today, will relish the idea that religion is best removed from the so-called public square unless there is a clear and compelling reason to invoke the ethical insight of religion for the common good, not the sectarian special-interest advocacy so often employed by religious zealots and activists. Too often religious activities seek to promote religion by claiming that it is really secular, in order to win public recognition or support. Prayers are not really prayers but activities to quiet the student body or to create a civil atmosphere. Religious symbols at Christmas are really "historic or cultural" artifacts, not emblems rooted in a specific faith tradition.

Goldberg's conclusion is emphatic: "The bleached faith we all see around us...is the result of mistaken policy choices. ...It is not by chance that America has a far more religious population than the nations of Western Europe. Our commitments to free exercise, non-establishment, free speech, and due process provide the sort of protection for

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Books and Culture, *continued from page 15*

religion that is the envy of people around the world. But the future of religion in America is threatened when it surrenders to government, science, and popular culture by watering down its symbols and teachings.”

—Al Menendez

Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America, by Steven Waldman. Random House, 2008, 277 pp., \$26.00

Beliefnet.com founder Steve Waldman wades into familiar territory in his discussion of the religious views of the U.S. Founding Fathers. Were they all deists and skeptics whose political philosophy came from the Enlightenment? Were they really evangelical Christians whose political philosophy was derived from the Bible? Were they nominal churchgoers, “soft” Christians, whose main concern was to limit religious group involvement in public matters and to prevent churches from becoming pawns of partisan movements?

Waldman concludes that all three strains of thought can be found among the Founders, and that their religious views were as complex and varied as the new nation itself. What they really wanted was to make freedom of religious expression guaranteed and safe in the new republic. And that is what they bequeathed to us and for which they should be remembered.

Waldman traces the history of the adoption of the First Amendment in stunning detail, frequently emphasizing the “evangelical-enlightenment alliance” that created the modern world’s first serious constitutional protection of liberty of conscience. “The separation of church and state resulted from an alliance of eighteenth-century rationalists such as Jefferson and evangelical Christians.”

Madison is clearly the book’s hero, an advocate of even more far-reaching separation and who, as president, signed a law mandating the delivery of mail on Sunday. “Madison had it right. Were he alive today, he would conclude with awesome pride, that we are the most religiously vibrant nation on earth not despite separation of church and state – and religious freedom – but because of it.” Washington also deserves praise. “For more than two centuries, Americans have celebrated George Washington’s courage, wisdom, and leadership. To that list of attributes, we ought to add another: a preternatural, daring, and deeply felt belief in religious equality.”

The Founders went as far as they could, achieving what was politically possible. “Had the original Constitution attempted to impose separation of church and state throughout the land, it probably would not have been ratified. Liberals can certainly argue for strict and pervasive separation, but they cannot claim all the Founders as agreeing.” Issues left unresolved include congressional and military chaplaincies, state religious tests, and national days of fasting and prayer.

Waldman makes an interesting point about the Fourteenth Amendment’s role in advancing religious equality. “As interpreted by twentieth-century court rulings, the Fourteenth Amendment applied the principles of the First Amendment to the states eighty years after Madison had tried unsuccessfully to do the same. ..So while the Founding Fathers had decided in the 1780s that the Constitution did not apply religious freedom to the states, the leaders in the 1860s decided that it did.”

The Founders disagreed about religion but they did not disagree about religious freedom and for that we should be grateful. “America is religiously free. The Founding Fathers tried a radical new approach—and it worked.”

—Al Menendez

Liberty of Conscience: In Defense of America’s Tradition of Religious Equality, by Martha C. Nussbaum. Basic Books, 2008, 406 pp., \$28.95.

Nussbaum holds chairs in philosophy and law at the University of Chicago and reveals in this study a profound understanding of and appreciation for freedom of conscience. She argues that “religious equality” before the law should be seen as the great unifying principle of American jurisprudence. “This is a country that respects people’s committed search for a way of life according to their consciences. This is also a country that has long understood that liberty of conscience is worth nothing if it is not equal liberty. Liberty of conscience is not equal, however, if government announces a religious orthodoxy, saying that this, and not that, is the religious view that defines us as a nation.”

An expansive interpretation of the Religion Clauses of the First Amendment developed over time. “By the time the Fourteenth Amendment applied the Bill of Rights to the states, it was perfectly clear that the Free Exercise Clause was to be understood as a guarantor not just of liberty, but also of equal liberty. And it was clear, furthermore, that the Establishment Clause was to be read as Madisonian, forbidding governments from endorsing a particular religion over other religions, or religion over nonreligion, in such a way as to create ranks and orders of citizens, in-groups and out-groups.” As a result, “America today contains a religious diversity unparalleled in its history.”

But threats to the principle of religious equality and attempts to undermine it are constant. “We have the great good luck to live in a nation that has taken the principle of equal liberty of conscience to heart in its founding document. But history shows us that constant vigilance is required lest this value be narrowly and partially construed, or misapplied in ways that favor hierarchy. The attack on religious equality, in short, is never-ending, and the battle for equal respect needs to be refought in each new era.”

As Nussbaum emphasizes repeatedly, fear of religious dissenters, minorities and outsiders has always been a counterpoint to our egalitarianism. “Principles lose their grip in times of fear. Ever since the founding of the first colonies, our country has known an uneasy oscillation between a commitment to equal respect and a fear of strangers that at times undermines that commitment.”

Her conclusion is sound. “Americans have done pretty well in forging a political order that exemplifies equal liberty of conscience. Given human frailty, however, we always need vigilance lest backsliding occur, and we always need wise citizens—including judges—who can think well about how to realize this value in changing circumstances, as part of a political overlapping consensus that is, let us hope, fair and respectful as a whole.”

Nussbaum applies her general principles to such specific issues as school prayer, public displays of religious symbols, aid to sectarian schools, evolution, gay marriage, etc.

—Al Menendez

Church-State Matters: Fighting for Religious Liberty in Our Nation’s Capital, by J. Brent Walker. Mercer Univ. Press, 2008, 260 pp., \$28.00.

For 75 years the Baptist Joint Committee on Religious Liberty (BJC) has been on the front lines in Washington defending our constitutional separation of church and state. It has been my privilege to have met the BJC’s first director, Joseph Dawson, and to have known and worked with the three most recent directors, James Wood, James Dunn, and Brent Walker. In this important book, Walker, a lawyer as well as a minister, has pulled together a collection of his columns, articles, lectures, and congressional testimonies.

Walker appropriately observes that “History teaches and contemporary geo-politics reveals that nations that abjure a healthy separation of church and state wind up with tepid, attenuated, majoritarian religion at best, or a theocracy at worst.” He credits the adoption in the United States of church-state separation to both Deists like Jefferson and Bap-

tist leaders like John Leland, Roger Williams, and Isaac Backus.

It is important to note that the BJC represents a number of Baptist denominations and that it is unfortunate and a serious departure from Baptist tradition that the Southern Baptist Convention allowed itself to be taken over a quarter century ago by the theocon Religious Right. We can be thankful that the BJC has stuck with Baptist religious freedom traditions.

Here are samples of Walker's thinking:

"In a pervasively religious institution, the money that goes into one pocket goes into all pockets. . . . In short, [Bush's] 'charitable choice' unconstitutionally funds government services that are delivered in a thoroughly religious environment."

"One of the great heresies of our time is the claim that separation of church and state is bad for religion. This charge fuels [school prayer amendments], animates school voucher proposals, and energizes the push for charitable choice. But it is a lie. The separation of church and state has resulted in more religious liberty and a more visibly religious culture in this country than anywhere else I know."

—Edd Doerr

The Party Faithful: How and Why Democrats Are Closing the Gap, by Amy Sullivan. Scribner, 2008, 256 pp., \$25.00.

Sullivan, a *Time* editor, has made it her life mission, it seems, to encourage her fellow evangelicals to vote Democratic and to urge Democrats to make concessions in policies, rhetoric and outreach to win religious voters. She argues that moderate evangelicals and Catholics have more in common with Democrats than with Republicans, who have captured their votes largely on the basis of abortion and related cultural issues. Sullivan believes that Democrats can win a larger share of the relatively conservative churchgoing community without alienating religious and secular liberals or weakening the "no religious test" principle. This would be the key to victory in future elections and would end the deadlock that has paralyzed American politics in recent years. It is also fraught with difficulty as well as possibility.

Using case studies from the 2006 elections in Ohio, Pennsylvania, Michigan and Colorado, she shows how the Democrats employed this strategy successfully, partly by linking abortion reduction to enhanced family planning and prenatal health care expenditures, as well as programs to help the working poor navigate an increasingly unfriendly economy.

Sullivan is a good reporter, mixing anecdotal, historical and statistical evidence to buttress her case. She includes two historical chapters, exploring how Democrats lost evangelicals and Catholics. She blames a number of groups for this state of affairs. "Secular liberals not only pushed away potential allies in the religious community, they also rejected the use of religious language in pressing progressive causes." As for Catholics, who are still far more Democratic than evangelicals, she writes, "By the end of the 1960s, however, cultural and political changes on the left were starting to cause discomfort for traditional Catholics. The rise of a liberalism that focused on individual rights was at odds with the Catholic principle of solidarity and a communitarian approach to economic and social policy."

Sullivan admires Bill Clinton. "For eight years, the Clinton White House reversed what had become the Democratic flight-or-fight instinctive reaction to all things religious." She also charges that: "the Kerry campaign's inability to think strategically about religion" doomed his campaign and suggests that a small increase in the Catholic vote for Kerry in Ohio would have ended the Bush presidency before it could do any more damage.

This is a very intriguing book that political insiders should read carefully.

—Al Menendez

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'Expelled': A Movie Review

The new film "Expelled" has become controversial, and for good reason. "Expelled" stars and is narrated by sad-faced actor and clown Ben Stein, whose c.v. includes a stint as a speechwriter for President Richard Nixon. "Expelled" is a crude, propaganda flick boiling over with hostility to science and scientists and designed not only to attack evolution but also to blame Charles Darwin for Nazism, Stalinism, and the Holocaust.

Loaded with snippets from old Hollywood movies ("Frankenstein," "Planet of the Apes," etc.) for comic effect, and, for propaganda value that would make Leni Riefenstahl wince, snatches of film of Hitler, Stalin, Nazi and Soviet troops, and Nazi death camps, the film gives the word "heavy-handed" a new set of meanings. Repeated ad nauseam are assorted bits of film featuring the Berlin Wall, intended to reinforce Stein's claim that "intelligent design [creationism] is being suppressed in a systematic and ruthless fashion" by a conspiracy of scientists and atheists.

Stein tries to show that "intelligent design" creationism has a modicum of scientific respectability but falls short to anyone familiar with the controversy.

"Expelled" has been criticized by several of Stein's interviewees, including Richard Dawkins and National Center for Science Education executive director and anthropologist Eugenie Scott. They say they were misled into participating in the film by being asked to be interviewed for a film supposedly dealing with the "intersection between science and religion."

University of Pennsylvania bioethicist Arthur Caplan wrote in his MSNBC column that the film is a "frighteningly immoral narrative," a "toxic mishmash of persecution fantasies, disconnected and inappropriate references to fallen communist regimes and their leaders and a very repugnant form of Holocaust denial from the monotone big mouth Ben Stein."

In its review of the film, the *Waco Times-Herald* (published in the city closest to President Bush's Crawford, Texas, ranch, which is used mainly as a prop for photo ops) wrote "That's the real issue of 'Expelled'—atheist scientists versus God—even though it wholly undercuts statements by intelligent design researchers early in the film that ID has nothing to do with religion." The review described its "failure to cover how Christian evolutionists reconcile faith and science" as "perhaps the film's most glaring and telling omission," and added that the film "quickly dismissed [such proponents of theistic evolution] by a chain of quotes that brand them as liberal Christians duped by militant atheists in their efforts to get religion out of the classroom."

While fundamentalist media gave "Expelled" positive reviews, mainstream and scientific media generally panned it.

Promotion of the film is managed by Motive Marketing, the same outfit that promoted Mel Gibson's "The Passion of the Christ" and the commercially unsuccessful adaptation of C.S. Lewis's "The Chronicles of Narnia."

As antidotes to this nonsense, I would recommend three very much on point books: *Science, Education, and Creationism* (National Academy of Sciences, 2008); *Not in Our Classrooms: Why Intelligent Design is Wrong for Our Schools*, by Eugenie C. Scott and Glenn Branch (Beacon Press, 2006); and a detailed account of the Pennsylvania "intelligent design" federal court case, *Monkey Girl: Evolution, Education, Religion, and the Battle for America's Soul*, by Edward Humes (HarperCollins, 2007).

—Edd Doerr

Books and Culture, *continued from page 17*

Religion in American Politics: A Short History, by Frank Lambert. Princeton University Press, 2008, 294 pp., \$24.95.

As historian Frank Lambert points out, religion and politics have always been at cross purposes and certain tensions between religion and government are perhaps inevitable. Competing visions of a religious or secular America go back to the earliest days of the Republic.

Lambert's breezy overview will find an audience since he covers a great deal of material in a reasonable length. While much of the history is well known, his choice of material includes the fascinating history of the Sunday mail controversy when major Protestant demonstrations led a successful campaign to overturn an 1810 federal law allowing Sunday mail service. Leading that fight was a Philadelphia Presbyterian minister, Ezra Stiles Ely. As this early version of a "Religious Right" gained steam in the 1820s and 1830s, Stiles was joined by Jasper Adams, an Episcopalian clergyman and college president in South Carolina, who "advocated a public role for religion as the basis for public ethics." These early anti-separation conservatives form a linear link to the Religious Right of recent politics. "Reforming the nation's morality, then, was predicated on returning the nation to its Christian foundation, and that meant making the Christian faith the center of public education, a prerequisite for public office, and the touchstone of public law."

Lambert shows the tensions arising from the social gospel movement, the science versus religion controversies, the rise of fundamentalism in the 1920s, the civil rights movement, and new Religious Right and the possible reemergence of a Religious Left.

Several themes underlie this work. One is that "America's religious settlement required a secular state and a pluralist society." Another is "that religious coalitions seek by political means what the Constitution prohibits, namely, a national religious establishment, or, more specifically, a *Christian* civil religion."

This movement is always challenged. "Any religious group's attempt to represent the nation's religious heritage or claim to be its moral conscience is sure to be met with opposition from other religious groups as well as from nonreligious parties."

His closing summation is worth pondering. "The delegates to the Constitutional Convention in 1787 avoided religious discussion because they knew that religion as a force in public affairs was divisive. While they believed that religion was important in the culture as a means of building the moral character of citizens, they thought religion and the country would be best served if sectarian religion had no place in the political arena. Further, they knew that, given the country's pluralistic culture, any expression of religion offered as a guide to national policy would be labeled sectarian and would be contested as such. Two hundred and twenty years after the new republic's birth, critics of both the Religious Right and the Religious Left think the delegates were wise to keep religion out of national politics."

—Al Menendez

American Catholics Today: New Realities of Their Faith and Their Church, by William V. D'Antonio, James D. Davidson, Dean R. Hoge,

and Mary L. Gautier. Rowman & Littlefield Publishers, Inc., 2007, 204 pp., \$24.95 paperback.

This report of a fourth national survey of Catholic opinion (conducted every six years since 1987) fashions sociology, demography, statistics, and incisive interpretation into a mosaic that defines a large and influential community whose internal divisions reflect those of the larger society. The basic findings are that most Catholics are still comfortable in their church but are increasingly disaffected from its leadership. They are more likely to invoke personal moral autonomy in making decisions than to accept or obey the teaching authority claimed by the hierarchy. They are less likely to participate in parish life. The main dividing point is generational or age-related, not gender, ethnicity, or education. Younger Catholics are far less institution-minded than middle aged or older members, which the four sociologist authors say is directly related to the kind of church they grew up in and in which they were socialized or assimilated.

The authors show why Catholics are divided politically, how they relate to the generational factor, and how these internal gradations of belief and practice could impact national elections.

Ironically, perhaps, pre-Vatican II Catholics, who grew up in a more conservative church, are the most likely to be Democrats and to regard social justice and the common good as central to public life. Younger Catholics are more liberal on gay rights and abortion but are relatively unconcerned about social justice and eradicating poverty.

The chapter on politics is illuminating and reveals the internal differences among Catholics, who are 42% Democrat, 39% Republican and 19% Independent in the survey conducted in 2005. Catholic women favor the Democrats by seven points, while men lean Republican by two points, a gender gap found in all religious groups. Democrats do best among the oldest and youngest Catholics, while the middle ages lean to the GOP. Democrats score highest among the best educated and the least well educated, but Republicans do best among the moderately well educated, as do Independents. The least affluent are Democrats, while Republicans (and especially Independents) do better among the more affluent.

Regarding "values," Catholic Democrats cite helping the poor, achieving social justice, and opposing the death penalty while Catholic Republicans cite opposition to abortion and gay rights. Independents are closer to the Democrats.

Another interesting difference: "Republicans were the most likely to see church leaders as the proper locus of moral authority while a majority of Democrats see the proper locus of moral authority to rest with individuals."

Finally, the "growing polarization between Catholic Democrats and Republicans" is not rooted in different views of religion. "Our findings do not support the popular thesis that regular Mass attendance is the best predictor of conservative cultural politics. It appears to be party identification rather than regular Mass attendance that separates Democrats and Republicans along ideological lines."

—Al Menendez

The Faithful Departed: The Collapse of Boston's Catholic Culture, by Philip F. Lawler. Encounter Books, 2008, 272 pp., \$25.95.

Lawler is a conservative Catholic journalist who laments the inability of Catholicism to shape Boston's culture and politics as it did for many decades prior to the 1960s. He blames the church's leaders for abdicating their responsibility to maintain influence and power. But he does seem to recognize that internal changes within the Catholic community contributed to the trends he deplors.

Lawler cites two 1986 referenda as turning points. In that year voters considered whether to restrict abortions and to remove the constitutional ban on state aid to faith-based schools. Both moves were rejected —by 58% of voters on the abortion question and by 70% on the school

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aid issue. Lawler admits, “Enthusiastically supporting both efforts, Cardinal Law threw the full political weight of the archdiocese behind them. He encouraged donors to support the referendum campaigns, spoke at rallies, and instructed pastors to speak about the ballot questions and put notices in parish bulletins. . . . On both referendum questions, the majority of voters who identified themselves as Roman Catholics had voted *against* the position favored by the Boston archdiocese.”

The author saves his most scathing criticism for the mishandling of the clergy sex abuse scandal. He angrily concludes: “The entire massive structure of Catholicism totters along on borrowed time. But the trend is clear. That whole structure will come crashing down, perhaps within the next generation, unless there is some dramatic change.”

—Al Menendez

Sacrilege: Sexual Abuse in the Catholic Church, by Leon J. Podles. Crossland Press, 2008, 675 pp., \$22.95.

When Pope Benedict XVI visited the U.S. in the spring of this year he acknowledged and apologized for the clerical sexual abuse scandals that have rocked the Catholic Church in the U.S. since early 2002. But the scandals are not over, are not of merely recent vintage, and are not confined to the US. Among the important books we have reviewed in recent issues of this journal are *Sex, Priests, and Secret Codes: The Catholic Church's 2,000-Year Paper Trail of Sexual Abuse*, by Thomas P. Doyle, A.W.R. Sipe, and Patrick J. Wall (Volt Press, 2006) and *Perversion of Power: Sexual Abuse in the Catholic Church*, by Mary Gail Frawley-O'Dea (Vanderbilt University Press, 2007), both of which provide abundant detail about the scandals.

Now we have *Sacrilege* by former federal investigator and conservative Catholic Leon Podles, which documents the scandals in the US, Canada, and elsewhere in unprecedented detail, leaving nothing to the imagination. And if the abuse of tens of thousands of minors by men with the authority of the roman collar were not enough, the cover-ups of the abuse by higher church officials, often ignored or abetted by civil authorities, put matters well over the top.

In fairness, Podles makes clear that sexual abuse is not confined to Catholic clergy but is also of comparable seriousness among Protestant clergy, scout officials, and other adults.

Podles concludes that “Benedict seeks to purify the Church of the filth that he saw in the cases of sexual abusers by letting all know that no one is immune from discipline.” Of course that will not be enough. The wrecked lives of the uncounted victims of abuse need to be healed, and that will take a lot more effort than just punishing the abusers.

As of now the abuse scandals have cost the Catholic Church at least \$2.5 billion in the U.S. alone. One can't help but notice that President Bush this spring renewed his push for \$300 million in public funds for Catholic schools. If Catholic Church officials had cleaned up the sexual abuse mess long ago they would not need to pass the collection basket to Uncle Sam.

—Edd Doerr

The Catholic League for Religious and Civil Rights: Neither Religious nor Civil. Catholics for Choice, 2008, 25 pp. (available for \$10 from CFC, 1436 U Street NW, Suite 301, Washington, DC 20009; or online at www.catholicsforchoice.org).

Founded by Rev. Virgil Blum, an early leader in the campaign to get tax support for faith-based schools, the Catholic League, headed for many years now by William Donohue, is a Religious Right organization dedicated to sharply attacking anything real or imagined that is considered even slightly critical of Catholic Church officialdom or policies. This important small book is part of CFC's “investigative series on those who oppose women's rights and reproductive health.”

Donohue, president of the well-funded League, is an aggressive thugish bully who tries, and often succeeds, in intimidating critics of Catho-

‘Why Support from Taxpayers Cannot “Save” Catholic Schools’

A few points concerning “Papal Visit Spurs Plea for ‘Saving’ Catholic Schools” (April 16, 2008):

In the article, you cite the recent Thomas B. Fordham Institute report “Who Will Save America's Urban Catholic Schools?” as the source of the statistic that U.S. Catholic-school enrollment peaked at approximately 4.4 million students around 1965. The National Catholic Educational Association, however, puts peak enrollment at 5.5 million students that year (“Catholic Closures Linked to Growth of City Charters,” Feb. 13, 2008). Further, studies by Catholic colleges have shown that the decline since then was due to changing parental preferences, rather than economics or demographics, as the Fordham Institute asserts.

As for the possibility of tax-funded vouchers to help stem the downward trend, the 2006 Notre Dame report also cited in your article states that the Catholic Church's faith-based schools are “the most effective and important resource for evangelization in the history of the Church in the United States.” That statement of purpose alone should disqualify these schools from any direct or indirect tax support.

But let's look at the bright side. Nonpublic enrollment declines mean public enrollment increases, and that should mean increased public support for more adequate and more equitable funding for public schools.

Letter by Edd Doerr published in the May 7 issue of *Education Week*.

lic Church officialdom, while at the same time seeking to discredit independent organizations of Catholics like CFC and Call to Action. The League, while supposedly non-partisan, is a frequent critic of Catholic Democrats in public office and booster of Republican Party positions.

Among its top advisers are such prominent conservatives as Linda Chavez, Dinesh D'Souza, Mary Ann Glendon (Bush's ambassador to the Holy See), Alan Keyes, Thomas Monaghan, theologian George Weigel, and Paul Vitz (with whom I tangled at a congressional hearing some years ago).

Given the role that religion will play in this year's elections, CFC's exposé is especially important.

Incidentally, both CFC's then-executive director Frances Kissling and I testified before the U.S. Senate Judiciary Committee on August 11, 1982, against the appointment to the Civil Rights Commission of Catholic League attorney Robert Destro.

—Edd Doerr

Sacred Causes: The Clash of Religion and Politics from the Great War to the War on Terror, by Michael Burleigh. HarperCollins, 2007, 557 pp., \$27.95.

A short review cannot do justice to a book this long and complex, but conservative British historian Michael Burleigh's opus, for all its faults, does merit comment. Burleigh shows that some of the 20th century's worst totalitarian movements/states—fascism, Nazism, Stalinism—found useful models in the elaborate structures of hierarchical religions, but he also shows disdain for US-style church-state separation and the European secularism that is an understandable response to that continent's centuries of clericalism and church-state union.

Burleigh acknowledges that “the votes of the [Catholic] Centre Party
continued on page 20

Books and Culture, *continued from page 19*

in the Reichstag were crucial to [Hitler's] passage of the enabling Law on 23 March [1933] allowing him to govern without recourse to parliament for four years." He acknowledges the collaboration of church officials with the Nazis in Vichy France, Slovakia, and Croatia, and yet he excuses the Vatican for the misdeeds of "its own lower clergy." He mentions the clergy sexual abuse scandals but seems to blame them largely on Irish priests or priests of Irish descent. A Catholic Brit, the author seems to be rather anti-Irish. He also slams German playwright Rolf Hochhuth's 1963 play "The Deputy," which scores Pope Pius XII for his indifference to the Holocaust, even though the hero of the play is an Italian Jesuit who voluntarily sacrifices his life in a Nazi death camp and the play is dedicated to two priests who opposed the Nazis.

Burleigh also has good words for Franco's rebellion in Spain and harsh criticism for the elected Spanish government that fought to stop him.

It is hard to disagree with *New York Times* reviewer Tony Judt's view that Burleigh's book "is an ugly instance of its own subject matter," "politico-religious zealotry."

—Edd Doerr

Onward, Christian Soldiers: The Growing Political Power of Catholics and Evangelicals in the United States, by Deal W. Hudson. Threshold Editions, 2008, 355 pp., \$26.00.

This is an "insider's account" of how the author teamed up with Karl Rove to create a "Catholic Outreach" program at the Republican National Committee and within two George W. Bush campaigns for the White House. It is hardly an objective account but, rather, a defense of Religious Right policies: "Rove asked me to form the Catholic Working Group. The CWG held a weekly phone meeting with the White House and were often invited inside for meetings with the president and other members of the administration. For the first time in history, the White House had a formal relationship with a group of lay Catholics, outside the Bishops Conference, to advise them on matters of importance to Catholics."

The new Catholic pressure group represented only the right wing of the church and frequently clashed with progressive Catholic Democrats. The Rove-Hudson gang "passed out voter guides at 80 percent of the Catholic parishes in the battleground states. Never in the history of American politics had the Catholic vote been so systematically targeted by a political party."

While evangelicals remained the mainstay of the GOP's religious

Evangelicals, Left, Right and Center

A spate of new titles exploring different political options for evangelicals—one fourth of the electorate—has been published recently. Among them are:

Left:

In addition to Jim Wallis' *The Great Awakening* (reviewed in *Voice of Reason* Issue 102) and Amy Sullivan's *The Party Faithful* (reviewed in this issue, page 17), liberal evangelicals can turn to sociologist Tony Campolo's *Red Letter Christians: A Citizens Guide to Faith and Politics* (Regal Books) and to Methodist theologian Delwin Brown's *What Does a Progressive Christian Believe? A Guide for the Searching, the Open and the Curious* (Church Publishing/Seabury).

Right:

R. Albert Mohler, Jr., president of Southern Baptist Theological Seminary in Louisville, declares that public law must be based on the Bible's "absolute truth" in *Culture Shift: Engaging Current Issues with Timeless Truth* (Multnomah). The late D. James Kennedy and his disciple Jerry Newcombe propose a Calvinistic-Republican view of government in *How Would Jesus Vote?* (WaterBrook). They are so conservative that they believe that some poor people are not deserving of charity because "God has distributed this world's goods as he has seen fit."

David Klinghoffer will enrage liberals and moderates in his June title from Doubleday, *How Would God Vote? Why the Bible Commands You to Be a Conservative*.

Religious Right insiders Tony Perkins and Bishop Harry R. Jackson, Jr. have teamed up in *Personal Faith, Public Policy* (FrontLine), to advocate "faith-friendly policies" and "social change through spiritual truth."

Another staunch defense of a "Christian nation" agenda is James Robinson's *The Soul of a Nation* (Thomas Nelson).

Center:

We the Purple by Marcia Ford (Tyndale House) takes a moderate view (purple) in a debate polarized by red and blue worldviews.

A New Kind of Conservative by megachurch pastor Joel C. Hunter (Regal Books), urges evangelicals to reject their embrace of the Right and adopt intellectually credible centrist policies. So does Amy E. Black, a political scientist at Wheaton College, in her *Beyond Left and Right* (Baker Books).

Jesus for President by Shane Claiborne and Chris Haw (Zondervan) calls for religious people to transform the social order without reference to traditional left/right categories.

Activist Ronald Sider explores public policy from a centrist evangelical perspective in *The Scandal of Evangelical Politics: Why Are Christians Missing the Chance to Really Change the World* (Baker Academic).

Political scientist Steve Monsma weaves theology into a defense of center or center/left policy prescriptions in *Healing for a Broken World: Christian Perspectives on Public Policy* (Good News/Crossway).

Even fundamentalist Moody Publishing has published *Good Intentions: Nine Hot-Button Issues Viewed Through the Eyes of Faith* by economist Charles M. North and journalist Bob Smietana. They argue that climate change, economic inequality and child care are issues that should engage Christian voters' concern.

Evangelicals should reject laissez-faire capitalism and "social Darwinism," according to Roger E. Olson in *How to Be Evangelical Without Being Conservative* (Zondervan).

Writing in *Publishers Weekly* (March 3, 2008), G. Jeffrey MacDonald summarizes this trend: "Christian publishers are welcoming the pivotal election year of 2008 with a slew of titles intended to equip voters to make nuanced, faith-based decisions at the ballot box. ...Christian publishers are ready to inform and guide wide swaths of the American electorate, as the variety of their approaches attests. To see which ones succeed, wait 'til November."

voter efforts, Catholics provided most of the intellectual leadership of the movement. Hudson observes, “Catholics and Evangelicals have slowly learned to work together over the past forty years. They have, in large measure, put aside their theological disagreements to pursue practical ends.”

One problem is that 80% of evangelicals and 50% of Catholics do not represent a winning coalition by and of themselves. (This translates into 21 million evangelical votes and 7 million conservative Catholic ones.) Nor is the “coalition” tenable since an “unequal yoke” exists between the more dominant evangelicals and their conservative Catholic allies.

The author is honest and politically savvy. He recognizes that the 2006 election weakened this grand alliance. He also admits that the immigration issue has the potential for disrupting the movement, especially if Hispanic Evangelicals feel they are no longer welcome in a nativist GOP.

Finally, Hudson makes an interesting point, one that he shares with more liberal historians. “Abortion wasn’t the issue that launched the Religious Right. It was the realization by conservative Christians that government was no longer on their side.” It was the issue of tax exemption for racially segregated faith-based schools that initially fueled the Religious Right, later to be joined by abortion and gay rights.

—Al Menendez

Reclaiming Conservatism: How a Great American Political Movement Got Lost—and How It Can Find Its Way Back, by Mickey Edwards. Oxford University Press, 2008, 230 pp., \$21.95.

Edwards, who was an eight-term Republican congressman from Oklahoma, forcefully argues that conservatism lost its way under George W. Bush’s presidency. “During the early years of George W. Bush’s presidency, the chief executive became a mini-monarch who decided which laws to obey and which to ignore, and the Constitution’s ‘first branch’ of government was transformed into an almost irrelevant extension of the White House staff. And this happened not despite the conservative rise to power but as a direct result of it. Those who ran Congress during the president’s grab for power betrayed not only the Constitution but the very political movement they pretended to represent.”

The Religious Right’s merger with the new conservatism is also a negative influence. “Government’s increasing intrusiveness, including its willingness to interfere with private medical decisions and state laws” were often “inspired by a desire to impose conformity with the practices prescribed by certain sectarian beliefs.” He adds, “Many American conservatives insist that ours is a ‘Christian’ nation (sometimes oblivious to the variety of ‘Christian’ beliefs).” This concept is “dangerous in a civil, diverse society.” Edwards writes: “Conservatism of the sort embraced during the Goldwater years endorses traditional moral beliefs and practices but insists that such matters are for the individual, not the government, to decide.”

While the author is critical of those who want to “marginalize religious expression,” he spares no criticism of those religious majoritarians who have subverted the conservative (or “classical liberal”) message. “The establishment clause keeps religion on one side of the wall and government on the other. In a nation of more than three hundred million people, there are a great many faiths (almost all of them professing to be the repository of ultimate truth) and a great many people who subscribe to none of them. For adherents to a particular set of religious beliefs to translate those beliefs into policy, and those policies into laws that all must obey, would be as much a betrayal of the Constitution as would Congress mandating that a particular sect be given state-supported preferences.”

Undermining the wall of separation is a dangerous threat to our liberties. “To use religious conviction to make policy decisions is to run

There was a time when Nebraska was a fertile ground for rebels. People came here, as I have said, not just to find freedom for their religion but to find freedom from religion. Now the grandchildren and great-grandchildren of those freethinkers work to impose the very theocracy on others that their ancestors came here to escape.

—Roger Welsch, *My Nebraska*, The Globe Pequot Press, 2006, page 195.

the risk that far different religious convictions will someday shape the laws. Once the idea of sectarian lawmaking is acceptable, there is no going back.”

Edwards observes that “the wall between religion and statecraft” leads to civility, tolerance and respect, all of which strengthen democracy. “Religion is often a positive force in the lives of individuals, but when the true believer feels compelled to impose upon the whole of the society the truths that have enriched his or her life, the threads that bind us as a nation begin to fray.”

Edwards’ critique is important, if only because he is a movement insider, having been chairman of the American Conservative Union and a founder of the Heritage Foundation.

—Al Menendez

Fundamentalists in the City: Conflict and Division in Boston’s Churches, 1885-1950, by Margaret Lamberts Bendroth. Oxford University Press, 2005, 250 pp., \$70.50.

Fundamentalism is not just a rural phenomenon. It flourished in some cities and became a political force in Boston, where it clashed with moderate Protestants for control of churches, and, more importantly, with Catholics for political power. Fundamentalists fought with Catholics over temperance legislation, religion in public schools, Sabbath observances and other issues, and led organized anti-Catholic movements that lasted for more than six decades.

The author shows that fundamentalism appealed to certain immigrant groups from Scotland, Northern Ireland and Eastern Maritime Canada that were conservative by nature and intensely anti-Catholic. “Catholics genuinely alarmed them. Evangelicals in Boston worried far more about Catholic presence than just about anything else; in the late nineteenth century, the threat of ‘Romanism’ created new bonds of Protestant unity, unending fodder for sermons, and even an agenda for political action.”

The movement began unexpectedly in May 20, 1885, when three evangelists were arrested on Boston Common, awakening memories of Virginia a century before. The preachers blamed collusion between the police and Catholic authorities. “Anti-Catholicism proved to be a potent force for change, dividing liberal from conservative Protestants and generating new waves of religious zeal.”

The zealous, militant Protestants alienated moderate Protestants and liberals, who feared the disruptive tactics of the fundamentalists. New political alliances were created. “But the alliance between Yankee elites and Irish Catholics spelled political problems for evangelical Protestants. In particular it doomed to failure their moralistic political agenda, which centered around the prohibition of alcohol.” The battle was joined, and a faith-based Old Right began in Boston. The author notes this irony, as she discusses “the very unlikelihood of fundamentalism finding a home along the banks of the Charles, in the very citadel of urbane liberalism.”

This is a compelling story, filled with oddball characters and “Protestant folk heroes,” despite its ridiculous price.

—Al Menendez
continued on page 22

Books and Culture, *continued from page 21*

Bill Bright & Campus Crusade for Christ: The Renewal of Evangelicalism in Postwar America, by John G. Turner. The University of North Carolina Press, 2008, 288 pp., \$59.95, paper \$19.95.

Bill Bright, an obscure conservative from rural Oklahoma, eventually became one of the shakers and movers of modern evangelical Christianity. Founder of the Campus Crusade for Christ just after the Second World War, he reflects and helped shape the return of conservative Protestants to political and cultural influence after decades of retreat.

This study of Bright's legacy shows how his evangelistic parachurch organization became part of the Religious Right, at least informally. Writes Turner, "Through his efforts to motivate conservative Christians to involve themselves in grassroots politics, his contacts with national politicians, and his membership in conservative political organizations, Bright quietly contributed to the growth of the Religious Right."

The author opines, "Even if evangelicalism becomes more politically diverse and encompasses a greater number of young progressives, conservative evangelicals will not disappear as a critical Republican voting bloc." In fact, "The connection between evangelicals and political conservatism...has been a strong and durable connection and will probably survive current dissatisfaction with the Iraq War and the Bush administration."

Turner, an assistant professor of history at the University of South Alabama, notes that Bright was an ultraconservative in his early politics and was quite anti-Catholic. "The election of John F. Kennedy in 1960 seemed a particularly ominous sign." Bright is quoted as telling a colleague that Kennedy's election would be "the last time we'll see a free election in America."

After Kennedy's victory, Bright endorsed an evangelical political movement called Christian Citizen, founded by a Denver real estate developer and Campus Crusade donor. The group was one of the earliest religion-based groups. As Turner notes, "Political conservatives from Herbert Hoover to J. Howard Pew launched Christian Citizen to encourage Christians to become politically active in precinct-level

groups. ...Christian Citizen illustrates that some evangelical leaders were looking for political vehicles much earlier."

By the 1990s, though, Bright saw benefits to a political alliance between conservative evangelicals and conservative Catholics. "Bright helped steer American evangelicalism away from its heritage of fundamentalist separatism and toward greater ecumenical engagement with theologically like-minded Catholics and Pentecostals."

This fine book fills a gap in the history of the Christian Right.

—Al Menendez

White Protestant Nation: The Rise of the American Conservative Movement, by Allan J. Lichtman. Atlantic Monthly Press, 2008, 598 pp., \$27.50.

Alan Lichtman, professor of history at American University, has written a meticulous overview of modern American conservatism, which he traces to the 1920s, when issues like evolution, immigration, women's rights and religious tolerance (sound familiar?) were prominent. Lichtman sees Conservatism (with a capital C) as a "creedal" philosophy much like a religion, and dramatically different from the "temperamental" conservatism of Edmund Burke and others, who revered tradition, favored gradual change and opted for relatively limited government.

"At the core of right-wing politics in the 1920s and beyond was an anti-pluralistic ideal of America as a unified, white Protestant nation. ...The right has held together as a political movement since World War I through its core commitment to conserving white Protestant values and private enterprise, not free enterprise." History repeats itself, says this eminent historian, who sees religion as central to political history. "Virtually every dispute over radicalism, loyalty, reproduction, race, immigration, sexuality, crime, permissiveness, creationism, and school prayer had its forerunner in the 1920s. So too did forms of right-wing political mobilization."

This anti-pluralist impulse constitutes "an evolving cultural nationalism." He writes, "The conservative tradition is white and Protestant in part because black Protestant culture has followed its own path to cultural pluralism and liberal politics. Both religion and race have mattered for conservatives who view nationhood as anchored in white, native-stock peoples and their distinctive culture. Since World War I, conservatives have been cultural, religious, and at times racial nationalists, dedicated to protecting America's superior civilization from racially or culturally inferior peoples, foreign ideologies, sexual deviance, ecumenical religion, or the encroachment of a so-called one-world government."

The historic Protestant-Catholic antagonism has declined, leading to a renewed brand of conservatism that may or may not last. "In the late twentieth century, white Protestants achieved a partial and uneasy rapprochement with white Catholics."

Today's conservatives are in trouble, partly because of the failures of the Bush presidency but also because of changing demography. "Only America's increasing diversity kept the GOP from becoming the nation's majority party after 1994. Unlike in the 1950s, ...white Protestants no longer dominated the American electorate. From 1950 to 2000 the white Protestant share of the electorate fell from more than 60 percent to under 50 percent. Consequently, the GOP's recruitment of white Protestant voters did not reverse the New Deal realignment but brought Republicans into near parity with Democrats."

Contradictions within the Right may cause its demise. "As illustrated by the Terri Schiavo case, conservatives' historic opposition to federal interference in private decisions and state issues would remain juxtaposed against demands from the Christian right for federal prohibitions on abortion, gay marriage, pornography, stem cell research, and doctor-assisted suicide."

This "radical" Big Government tilt to modern conservatism is not really all that new, writes Lichtman. "President Bush stands firmly within

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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an American conservative tradition that since the 1930s has had the revolutionary objective of overturning the liberal order and challenging America's pluralist civilization."

Lichtman, whose hobby is predicting elections, is not quite sure whether the conservative era is over. "Conservatism is far too entrenched in American life to disappear as a viable political force. But it remains an open question whether the right faces a temporary decline in fortune or an internal implosion with lasting effects."

This outstanding book deserves a place on every literate person's bookshelf.

—Al Menendez

The Fall of the Evangelical Nation: The Surprising Crisis Inside the Church, by Christine Wicker. HarperOne, 2008, 221 pp., \$24.95.

Former *Dallas Morning News* reporter Christine Wicker marshals an array of interesting statistics that suggest that evangelicals are not as numerous, powerful or conservative as is generally supposed. She says they are really 7% of the population, not 25%. It's all a matter of definition. But there is still plenty of credible data, from Pew surveys and elsewhere that uphold the larger figure.

She makes one observation that is often ignored. "Nonwhite evangelicals often don't share many values that drive the current religious-right agenda. Christians immigrating to the United States... will exert their own influence on the evangelical voice and likely change it considerably."

This is an interesting book, and passionately written, but hardly the last word on the subject. Some may buy the author's conclusion that the Religious Right is dead or dying, but it would be foolish to ignore its infinite capacity for renewal, especially in a politically volatile environment.

—Al Menendez

The Big Sort: Why the Clustering of Like-Minded America is Tearing Us Apart, by Bill Bishop with Robert G. Cushing. Houghton Mifflin, 2008, 370 pp., \$25.00.

For decades demographers and political consultants have known that Americans are increasingly clustering themselves into enclaves where people just like them reside. People apparently choose to live with those who share their political, religious and educational views and experiences. This is the "big sort" that the author describes and laments.

He compares the 1976 and 2004 elections, both of which were

close. In 1976, when Democrat Jimmy Carter won by two percentage points, the vast majority of counties were competitive, meaning that neither candidate won by 20 percentage points or more. In 2004, which Democrat John Kerry lost by two percentage points, an overwhelming majority of counties were noncompetitive. "After 1976, the trend was for Republicans and Democrats to grow more geographically segregated." In 1976 one fourth of voters lived in counties that went for either Carter or Ford by a landslide. Only 28 years later nearly half of voters resided in counties carried by Bush or Kerry by landslides. Two thirds of all counties were dominated by one party or the other. This is also true at the state level where the number of competitive states declined from 31 to 19.

Race, ethnicity, education and income are major factors in the new segregation by politics. Republican counties had more gun owners, married residents and white voters. Democratic counties were wealthier and better educated and had more immigrants.

Religion is also a factor. In Republican strongholds 46% of voters are weekly churchgoers compared to 34% in Democratic bastions. And the trend is intensifying. Bishop writes, "Church members seemed to be increasingly concentrated in Republican counties. ... From 1971 to 2000, the number of church members increased 33.8 percent in Democratic landslide counties. In the same period, the number of church members jumped 54.4 percent in Republican landslide counties." Bible study classes are attended by 45% of voters in Republican counties and 29% in Democratic counties. The author deplores this "new kind of cultural separation," seeing it as a threat to national unity. "Like-minded, homogeneous groups squelch dissent, grow more extreme in their thinking, and ignore evidence that their positions are wrong."

The trend may also harm democracy since "political minorities in heavily majority counties vote less and withdraw from all forms of public life." Also, "As Democrats and Republicans separate geographically, they become more distrustful of one another."

His conclusion is stark. "Beginning nearly thirty years ago, the people of this country unwittingly began a social experiment. Finding cultural comfort in 'people like us,' we have migrated into ever-narrower communities and churches and political groups. We have created, and are creating, new institutions distinguished by their isolation and single-mindedness."

Not all readers will agree with Bishop's conclusions, but he has given us a great deal to ponder.

—Al Menendez



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Commentary

Religious Involvement and Identity Affect School Choice

Religious affiliation and church attendance rates of parents clearly affect the choice of faith-based education, according to a recent research publication. Two education specialists, Danny Cohen-Zada of Ben-Gurion University in Israel and William Sander of DePaul University in Chicago, wrote, "Parents send their children to religious schools in part to help preserve a religious identity and instill religious values."

Since 83% of private school students attend faith-based schools, "Religious values in the demand for private schooling are clearly important although they have not received much consideration in studies on private schools." Several findings by the authors show the importance of the "religion factor" in private school choice: "For Catholic schools, the share of Catholics in the local population is also demonstrated to be an important determinant of demand. It is also shown that as the percentage of African-Americans increase in an area, there is 'flight' to private and Protestant schools. This is less an issue with Catholic schools. Further, we find that blacks are more likely to opt for Catholic schools all other things being equal while they are less likely to opt for Protestant schools even though blacks are disproportionately Protestant. Finally, our findings indicate that non-sectarian private schools tend to be more elitist in the population that they serve relative to Catholic schools and Protestant schools." The differences continue within the schools. In Catholic schools 55% of students attend religious services weekly. The weekly attendance figures for Protestant schools are 47%; for non-sectarian private school pupils it is 32%. And for public school students it is 26%.

Parents who send their children to religious schools attend church more frequently (59% weekly) than all American adults. The "higher rates of religious participation by parents are a determinant of the demand for religious schooling," though this may not be true in all cases. "It is probably more plausible that some parents might join a certain church (synagogue, mosque, etc.) so that they can send their children to a school that is associated with it, especially if the school is subsidized by the religious institution. This does not necessarily increase religious participation by parents." Parental income and education are positive factors in private school choice.

For Protestant school attendance, "The only religion variable that is significant for Protestant schools is a positive effect for fundamentalist religiosity. ... For the typical Protestant fundamentalist household, Prot-

estant school attendance is also shown to increase with church attendance."

In summary, "Further, the effects of religion and religiosity vary depending upon the type of private school in question. It was shown that Catholic religiosity increases the demand for Catholic schools and has no effect on the demand for other types of private schooling. Fundamentalist Protestant religiosity increases the demand for Protestant schools and has no effect on the demand for other types of private schooling. Non-fundamentalist Protestant religiosity increases the demand for non-sectarian private schools and has no effect on the demand for other types of private schooling. It was also shown that households with no religion were more likely to choose non-sectarian private schools for their children. These results suggest that religiosity is a key factor that affects who attends private schools and who might respond to voucher initiatives."

The authors reiterate their findings in regard to vouchers. "Households with a higher probability of attending private schools would be more affected by a voucher program than households with a lower probability."

The Cohen-Zada – Sander study, *Private School Choice: The Effects of Religious Affiliation and Participation*, was published by the National Center for the Study of Privatization in Education and is available at www.ncspe.org/publications_files/OP140.pdf

—Al Menendez

'Separate church and state'

Anthony Lutz writes (letter, April 15) that children have a right to taxpayer-funded vouchers for faith-based and other private schools. As a Virginian he should be reminded that Virginians James Madison and Thomas Jefferson, two of the most important founders of our nation, held that no one should be forced by government to support any religious institution, and they got that principle imbedded in the Virginia and U.S. Constitutions. Moreover, U.S. voters have consistently upheld that church-state separation principle by wide margins.

Letter by Edd Doerr was published in the *Washington Times* on April 18, 2008.