



VOICE OF REASON

The Journal of Americans for Religious Liberty

2016, No. 4 [137]

Election 2016: What Happened?

This election analysis was prepared by ARL research director and editor Al Menendez, who has been a consultant to the political units of ABC News and NBC News in the past. Menendez has written detailed reports of every presidential election since 1972. His 1977 book Religion at the Polls was cited by Newsweek as one of the best books of the year. His most recent political book is The Geography of Presidential Elections in the United States, 1868-2004. — Edd Doerr

Trump's victory in the Electoral College 306 to 232 shocked the nation and the world, leaving pollsters aghast at the biggest upset since Truman beat Dewey in 1948. This surge came almost entirely from an angry and huge turnout in rural America, where historic populism, nationalism and nativism have always drawn voter support. The returns indicated the largest gap between urban/suburban and rural/small-town America in any presidential election. The exurbs, which are a kind of way station between urban and rural, also tilted toward Trump. White America, where the politics of nostalgia seems to have swayed millions, voted as strongly for Trump as for Reagan in 1984 - and in the Rust Belt, coal country, and the rural South—even stronger for Trump than for any previous Republican.

National exit polls (conducted by Edison Research) reveal deep divisions within the country—divisions that are more intense than have ever been recorded. One cautionary note: The exit polls, as were most pre-election polls, may be more flawed than ever before, and did not include all 50 states. For example, the polls showed slightly higher percentages for Trump among Latinos and Asians, which is difficult to believe given the county returns and reports from alternative polling agencies. The national polls gave Clinton 65% to 29%, but Latino Decisions, which polled more Hispanic voters in more states, showed Clinton winning 79% to 18%. Asian voters supposedly voted 65% to 29% for Clinton, but Asian Decisions found a 75% to 19% margin, and included every subgroup and more states.

Still, we are stuck with the national poll results and the following analysis is based on it.

First, there was a sharp racial divide, with Trump winning a 21-point margin among white voters, even higher than Ronald Reagan's 20-point victory in 1984. Blacks went for Clinton by 80 points, compared to Obama's 87-point margin. Latinos and Asians, as noted, went for Clinton but by lower margins than Obama (supposedly).

The gender gap was enormous, with men going for Trump by 12 points and women for Clinton by 12 points—large but not as large as pre-election polls predicted. The gender gap shows up in all categories. White men favored Trump by 32 points, women by 10 points. College-educated men favored Trump by 15 points while college-educated

women went for Hillary by six. Male voters without college degrees went for Trump by 72% to 23%. Women without college voted for Clinton 62% to 34%. Unmarried women went for Clinton by 29 points; married men favored Trump by 21. Married women and single men were split almost equally.

College graduates were 8% more likely than non-college graduates to favor Clinton—for the first time in polling history. In the Eisenhower-Nixon era, by contrast, college graduates were twice as likely to vote

Republican than those whose education ended with high school. There are far more college graduates in today's electorate and a greater diversity among them. (Post graduates, who have been leaning Democratic since the 1990s, voted for Clinton 58% to 37%).

Independents and moderates split for the second-straight election. Independents voted for Trump by six points, while moderates favored Clinton by 11. (The gender gap is again strong. Independent men went for Trump by 14, while independent women went for Clinton by four.)

Another huge (Yooge) differential was location. Urban areas went for Clinton by 24 points (even higher in Democratic inner cities), while the suburbs went narrowly for Clinton by five points. Rural and small town areas went for Trump by a 28-point landslide. (The total vote was broken down as 34% urban, 49% suburban, and 17% rural.)

A *Washington Post* analysis showed Clinton winning by huge margins in "urban areas," while Trump led modestly in suburbs and ex-

continued on page 7



Inside:

Election Geography	2
The Religious Vote	4
Trump Picks Public School Foe for Education Secretary	6
Abortion Law and Climate Change Under Trump	8
Vouchers Blasted by Government Study	8
 <i>Regular Features</i>	
Voucher Watch	9
Updates	9
International Updates	10
Church and State in the Courts	10
Books and Culture.....	11

Election Geography

Where the candidates drew their greatest levels of support tells a lot about their appeals to certain regions.

Trump's strongest state was Wyoming, the least populous state. It was Romney's second strongest state and has been on the top ten GOP states since 1960. Other Western states (the Dakotas and Nebraska) were on the top ten, as they often are.

The second highest Trump support came in West Virginia, which has undergone a political revolution since it bolted to George W. Bush in 2000. Before that it was one of only nine states to back Democrat Adlai Stevenson in 1952, one of six to stick with Jimmy Carter in 1980 and one of the ten carried by Michael Dukakis in 1988. Both Clinton and Obama in 2012 failed to carry a single county in this one-time Democratic stronghold.

Other border south states (Oklahoma 3rd and Kentucky 6th) went Republican by record margins. In Oklahoma in the last four elections, the Democratic nominee failed to carry a single county, even in the hard-scrapple southeast. Alabama and Tennessee continue their long-time GOP trend. Since Tennessee rejected native son Al Gore in 2000, it has trended Republican in the towns and rural areas. In Arkansas, where Hillary Clinton was First Lady for 12 years, voters joined the Trump stampede, making it the ninth strongest Republican state.

Utah, Romney's number one state, fell off the GOP top ten for the first time since 1964, when Barry Goldwater lost the state. (It was 18th this time, thanks to Mormon defections and a Clinton victory in Salt Lake City). Idaho fell off the GOP top ten for the first time since 1960.

Democratic strongholds reflect the Obama era, and even before that, in Massachusetts and Rhode Island. California was a landslide for Clinton, who even carried Orange County. Illinois, New Jersey and Washington reflected Democratic traditions, with Clinton landslides in Seattle and Chicago and its suburbs.

Trump's greatest county gains were in upstate New York, northern Vermont, New Hampshire, and Maine along the Canadian border, northeast Pennsylvania, and eastern and southern Ohio. He made substantial gains in almost all the rural counties of the Dakotas, Minnesota,

Iowa, Indiana, Illinois, Missouri, and Michigan, as well as some counties in rural Montana, southern Colorado, and rural Nevada. Minnesota reflects the urban-rural divide found in almost every state. Clinton carried Minneapolis and St. Paul by a margin of 344,000 votes while Trump won the rest of the state by 300,000.

Ironically, the South, though giving Trump his greatest percentage support, had few gains. Romney had piled up large margins in 2012, and McCain outperformed Bush in Louisiana, Arkansas, Tennessee, and West Virginia in 2008.

Trump lost the popular vote by over 2% (64,429,062 to 62,352,375 as of November 29), a small improvement over Romney's four-point loss in 2012. But Trump gained in the right areas to secure an Electoral College win. Trump's biggest gains over Romney came in the Dakotas, Iowa, West Virginia, Rhode Island, Ohio, Maine, Hawaii, Michigan, Indiana and Missouri—a strange geographic pattern, especially in Democratic Hawaii and Rhode Island, which went for Clinton but by surprisingly reduced margins.

Clinton ran stronger than Obama in California, Texas, Arizona, Georgia, Massachusetts, Washington, Virginia, Utah and Kansas. Demographic

change may have been the primary explanation for most of these pro-Clinton states.

Even in blue collar counties that Clinton held, the shift to Trump was enormous. Obama carried Youngstown, Ohio (Mahoning County) by 28 points, Clinton by three. In Joe Biden's hometown of Scranton, Pennsylvania (Lackawanna County) Clinton eked out a three-point margin while Obama carried it in 2012 by 27 points.

A number of Democratic bastions flipped to Trump, including Kenosha, Wisconsin (first GOP win since 1972) and Erie, Pennsylvania (first since 1984). Even German Catholic Dubuque, Iowa, went for Trump by one point, the first Republican to carry the county since Eisenhower in 1956.

There were 253 counties where Trump ran 25 percentage points stronger than Romney. They range from Idaho to Maine and are often farm or rural-based economies far from the Rust Belt. About 65% of



Voice of Reason is the quarterly journal of Americans for Religious Liberty, PO Box 6656, Silver Spring, MD 20916 (telephone 301-460-1111; e-mail: arlinc@verizon.net; website: www.arlinc.org). The journal is sent to all contributors to ARL.

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

Americans for Religious Liberty is a nonprofit public interest educational 501(c)(3) organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. Membership is open to all who share its purposes. Annual dues are \$25 for individuals, \$35 for families, \$15 for students and limited income. Our IRS ID number is 36-3118921. Donations are tax-deductible.

Board of Directors: Burton Caine, *Chair*; Joanne Goldsmith; T. Jer-

emy Gunn; William R. Murry; Susan Nogan; David J. Nolan; Amanda Poppei; Michael Prival; V.K. Sandin.

National Advisory Board: M. David Alexander; Philip Appleman; Francisco Ayala; Rev. Charles Bergstrom; Walter Breuggeman; Rev. John Buehrens; Bob Chase; Joseph Chuman; Dr. Catherine Cohen; Denise Davidoff; Norman Dorsen; Niles Eldredge; Edward L. Ericson; Joseph Fahey; Rev. Carl Flemister; Keith Geiger; Laurie Godfrey; Morris Goodman; Frances Kissling; Rev. James Lawson; Anne W. Lindsay; Rev. Barry Lynn; James T. McCollum; Rev. O. Eugene Pickett; Alan Powell; Rosemary Ruether; Rev. William F. Schulz; Eugenie Scott; Lynn Silverberg-Master; Rev. Bruce Southworth; Rev. A. Knighton Stanley; Nadine Strossen; Philippa Strum; Ruti Teitel; Sister Margaret Traxler; Edward O. Wilson; Walter Wink.

Edd Doerr, *President*
Albert J. Menendez, *Research Director*

these voters live in rural areas and 95% are white. Only 15 counties recorded a comparable swing to Clinton and most were in Utah. One-third of counties that twice supported Obama switched to Trump.

While exit polls showed a majority of those making over \$100,000 annual income voted for Trump, and those subsisting on less than \$30,000 went for Clinton, there were some stunning differences to this pattern in parts of the country. Elliott County, Kentucky (median household income \$28,000) went Republican for the first in its 150-year history, and not by a squeaker, but by 44 points.

But in two country club Republican suburbs, Clinton was the first Democrat in history to win. In Dover, Massachusetts, a Boston suburb with a median income of \$193,750, Clinton swamped Trump 59% to 32%. In the prestigious New York suburb of Darien, Connecticut (median income \$211,313), Clinton won 53% to 41%. Political analysts will be trying to interpret results like these for years to come.

Finally, the Trump vote had some connections to historical populist and nativist candidacies. He carried the vast majority of the 578 counties that supported George Wallace against Nixon and Humphrey in 1968. In the 20 counties where Wallace's support was most intense, Trump received 80%, a five-point gain over Romney. The counties carried by independent Ross Perot in 1992 voted 68% for Trump, a seven-point increase over Romney. In the 97 counties where anti-Catholic voting was most prevalent in 1960 against JFK, Trump carried almost all and received 74%, a gain of six points over Romney.

Trump's Top Ten		Clinton's Top Ten	
	%		%
1 Wyoming	70.0	1 Hawaii	62.2
2 West Virginia	68.6	2 California	61.6
3 Oklahoma	65.3	3 Vermont	61.1
4 North Dakota	64.1	4 Massachusetts	60.8
5 Alabama	62.8	5 Maryland	60.5
6 Kentucky	62.5	6 New York	58.8
7 South Dakota	61.5	7 Washington State	56.2
8 Tennessee	61.0	8 Illinois	55.4
9 Arkansas	60.4	9 Rhode Island	54.8
10 Nebraska	60.3	10 New Jersey	54.8

I want to acknowledge the enormous debt we owe to Edd Doerr and Al Menendez for advancing not only the cause of separation of church and state but in enriching scholarship on the subject not easily available elsewhere. As professor of law teaching First Amendment law, I made sure that our law library subscribed to the ARL Voice of Reason. In addition, Edd Doerr's Letters to the Editor are a continuing commentary on the religious clauses of the constitution and a warning that only eternal vigilance preserves liberty.

— Burton Caine, Board Chair

These are official CBS News reports as of November 30. Uncounted or absentee ballots could change the positioning slightly. Gary Johnson ran strongest (9.3%) in his home state of New Mexico, followed by North Dakota (6.3%). Evan McMullin ran strongest in his native Utah (20.6%) and in Idaho (6.7%), the two most Mormon states. Green Party nominee Jill Stein scored highest (2.4%) in Oregon.

Changes from 2012

States that change sides (flipping, in the current terminology) from the last election usually reflect the areas where discontent and a desire for change are the greatest. This time, Trump took Pennsylvania, the first Republican win since Bush in 1988, and Wisconsin, which last went Republican for Reagan in 1984. He carried Ohio, Florida, and Michigan (probably). Michigan, like Pennsylvania, last went Republican in 1988. Ohio, Iowa and Florida are usually battleground toss-ups. The old saying that no Republican has ever won the White House without carrying Ohio remained true.

In all of those states it was rural, small-town, working class and white areas that fueled the Trump phenomenon.

Some middle-class, blue-collar suburbs in the North show waning Democratic sympathies since 2000. Anoka County, Minnesota, a suburb of the Twin Cities, went for Dukakis in 1988 but rejected Obama twice and supported Trump by ten points. Westmoreland County,

continued on page 7

A Thousand Thanks

Dear ARL Supporters:

Due to rising production costs and declining organizational income, we have to announce with deep regret that with this issue publication of *Voice of Reason* will be suspended. ARL, however, will continue operating as long as funds permit.

In its 35 years Americans for Religious Liberty, with a staff that never exceeded three persons, published 137 issues of this quarterly journal, provided extensive political and legal analysis, reviewed over 850 books, produced over 40 books, monographs and sections of books, and sponsored conferences.

Since its foundation in late 1981 by Edward Ericson, Sherwin Wine and others, ARL has reached millions of Americans through its publications, its lectures and debates from coast to coast, and its participation in countless television and radio talk and interview shows, plus newspapers, magazines and social media.

ARL has been involved in over 60 major legal actions defending religious liberty, our constitutional principle of church-state separa-

tion, public education, and women's rights of conscience. ARL has presented testimony at congressional and state legislative hearings, and worked effectively in coalitions.

All of this was made possible only through your generosity over the years, for which you can be proud and for which we cannot find enough words to thank you.

We urge you in these trying times to never give up and to also support other organizations that share all or many of ARL's concerns, such as the American Civil Liberties Union, Americans United for Separation of Church and State, Planned Parenthood, and NARAL Pro-Choice America.

Sincerely,

Burton Caine, Board Chair
 Edd Doerr, President and Senior Editor
 Albert J. Menendez, Research Director and Editor
 Teri Grimwood, Production Manager

The Religious Vote

Widespread differences in voting preference by religion were pronounced in 2016, as they have been for decades.

Evangelicals voted 81% to 16% for Trump, a margin exceeding George W. Bush in 2004 and Ronald Reagan in 1984. They were 26% of the electorate, a small increase. These voters accounted for Trump's majority in most of the states he carried and were the dominant religion in the states he carried by large majorities (except in the Plains states). Trump's 88% to 8% margin in Georgia saved the Peach State, for example. A similar 85% to 13% margin gave the swing state of Florida to the GOP.

Trump promised evangelical pastors that he would "strengthen Christianity" and would restore evangelical "power." Ralph Reed, a protégé of Pat Robertson and chairman of the Faith & Freedom Coalition, said, "He made these voters of faith a centerpiece of his campaign."

"Trump's candidacy has caused a huge divide among evangelical leaders, but evangelical voters coalesced around him as a presidential candidate, many citing his promise to appoint Supreme Court justices who would overturn *Roe v. Wade*," wrote Sarah Pulliam Bailey, religion reporter for *The Washington Post*. She added that "Trump's support from evangelicals could be explained at least in part by their deep dislike for Clinton.... Clinton has symbolized much of what evangelicals have tended to oppose, including abortion rights advocacy and feminism. As first lady, she is tied to conservative Christian loss of culture war battles during Bill Clinton's presidency." The Liberty University precinct in Virginia (Lynchburg 302) gave Trump 86% to Clinton's 4%, with 10% voting for other candidates.

Robert P. Jones, CEO of the Public Religion Research Institute, had a different explanation. "White evangelicals in this election aren't values voters. They're nostalgia voters." Trump's appeal "was really powerful for white evangelicals who see their numbers in the general population slipping." Trump's late-in-campaign comment that, "I'm your last chance folks" resonated with white evangelical voters, Jones observed.

Evangelicals are already claiming credit for the Trump victory, which on the face of it is probably true since more than 80% support from this large group was the determining factor in most of the states he carried. But some evangelicals are going beyond that, claiming their prayers caused the vote. Franklin Graham and Anne Graham Lotz both asserted that prayers of "Christians" (their brand of it anyway) swayed the hand of God. A close Trump adviser, Paula White, said she had fasted for three days, besieging heaven for a Trump victory. White prayed over Trump and Pence before his election night celebration. She is a proponent of the prosperity gospel and is a Pentecostal preacher who has been married three times. (One is reminded that in 1953 Rev. Norman Vincent Peale called Eisenhower "God's chosen leader for this time of crisis.")

Catholics (23% of all voters) were the closest to the overall vote, as usual, indicating their midpoint location and usual support for the winner. The Edison Research Exit Poll showed Catholics 52% to 45% for Trump, which shocked many observers who saw Trump slipping among Catholics in September and October. If this poll is accurate, white Catholics went for Trump 60% to 37% while Hispanic Catholics backed Clinton 67% to 26%. (Other data show Hispanic Catholics for

Clinton 84% to 12%). These unexplained discrepancies make the exit polls more problematic, though political observers and writers treat them as infallible.

If Trump did indeed win a majority of Catholic voters (and he clearly did in rural and small town areas from Pennsylvania to Wisconsin), this represents a major willingness to overlook certain important facts. Trump's spiritual mentor was the Rev. Norman Vincent Peale, one of the most notorious anti-Catholic bigots in U.S. religious history. Trump's first two marriages were held at Peale's Marble Collegiate Church in New York City, a favorite hangout of the Nixon family. The new vice-president, Mike Pence, is the first ex-Catholic turned evangelical to become Vice President (and potentially president since Trump is the oldest man ever elected).

Stephen Bannon, a top campaign official and now counselor to the White House, called Pope Francis a Communist and said Catholics favor immigration reform so they can import Catholics into the U.S. Bannon has also been identified as an alt-right racist and anti-Semite even though he was raised in an Irish Catholic Democratic family in Richmond, Virginia.

Finally, an independent Catholic group called *The Catholic Vote* examined candidate stands on key issues (abortion, torture, religious liberty, sustainable agriculture, the death penalty, welfare policy, etc.) addressed by the U.S. Conference of

Catholic Bishops and found that "Clinton's views align with 28 of them while Trump is in line with nine of the topics."

So the Catholic vote was a surprise, though perhaps that is inevitable in a large and diverse community. Greg Smith, associate research director at the Pew Research Center, told RNS, "Talk about a 'Catholic vote' as a whole can obscure as much as it reveals because there are identifiable subgroups of Catholics who tend to vote in particular ways, and that is exactly what we saw in this election."

The Jewish vote went 71% to 24% for Clinton, a slight gain for Clinton over Obama. But the Jewish vote for Clinton could not save Florida for her. Liberal Jewish towns, including Scarsdale, New York, and Sharon, Massachusetts, supported the former Secretary of State by large margins.

Orthodox and ultra-Orthodox Jews went for Trump. Writing in the *Forward*, November 10, Josh Nathan-Kazis said, "Orthodox and Russian neighborhoods in New York City came out strong for Donald Trump. In Jewish Brooklyn, Trump appears to have connected with a conservative electorate willing to buck its communal and political leadership. Despite Clinton endorsements from local Jewish elected officials, nearly every election district that Trump won in Brooklyn was in a Jewish neighborhood, including Russian Jewish Brighton Beach."

Another unexpected result came from the 8% of voters who said they were "other faiths," a vague term though certainly including Muslims, Buddhists, Hindus and Sikhs. They voted for Clinton 62% to 29%, down sharply from Obama's 74% to 23%. This seems unbelievable.

The nonaffiliated or "none" sector did not turn out in significant numbers. Only 15% of voters said they were religiously unaffiliated compared to their 23% share of the general population. Those who voted preferred Clinton 68% to 26%, but that was 2% less than Obama's



2012 vote. This is an amorphous category, ranging from the disinterested to the seekers and to agnostics, atheists and humanists.

Mormons recorded their lowest support for a Republican presidential candidate since Barry Goldwater in 1964. The Mormon revolt against Trump had no real effect on the outcome, however, since Mormons still favored Trump 61% to 25% for Clinton, down from Romney's 78% to 21% victory. Most dissenting Mormons supported Mormon conservative independent Evan McMullin, who took 21% of the vote in Utah and 7% in Idaho. McMullin's support was greatest in nearly 100% Mormon communities. He received 30% of the vote in Madison County, Idaho, home of Brigham Young University's Idaho campus, and 30% in Utah County, Utah, where the main campus of BYU is located in Provo.

Mainline Protestants almost never appear in exit polls, though in some pre-election surveys when included they continued to lean Republican, as they have throughout their history, when they were once the cultural trendsetter for the nation. Now in decline, they probably represent no more than 17% of voters.

Pew Research also discovered a few months ago that there are considerable differences within the group. The only similarity is that all of them have experienced declining memberships and a reduction in their share of religious identification. Episcopalians and the United Church of Christ members are the most liberal on social issues, but their higher income and location have made them lean Republican historically. Presbyterians and Lutherans are in the center, perhaps moderately liberal but leaning GOP in the Presbyterian community. Lutherans are all over the map politically but are most numerous in the Midwest where many of Trump's strongest gains were concentrated. United Methodists and American Baptists are the most conservative socially and theologically among the mainliners. The United Methodist Church strangely withdrew this year from the Religious Coalition for Reproductive Choice, which it helped found in the 1970s, and removed a pro-choice position statement from its basic statement of principles.

The pre-election polls showed Trump ahead of Clinton by about 10 points among mainliners, even though Clinton is herself an almost classic Social Gospel Methodist. Trump is a nominal Presbyterian, whose church attendance and knowledge of religion appear scanty, if not nonexistent. Finally, African-American Protestants voted nearly 90% for Clinton, but seem not to have affected the outcome in many states.

Religious Voters in the Campaign

Evangelicals were torn bitterly over the conduct of the Trump campaign. The normally Republican group expressed contempt for Trump personally in many polls but found Democratic Party positions antithetical to their views. The Old Guard of the Religious Right (Ralph Reed, Tony Perkins, James Dobson, Jerry Falwell Jr., et.al.) remained firmly with Trump, while evangelicals under age 30 and women were more likely to speak out against him. Students at Liberty University circulated a petition signed by thousands expressing criticism of and embarrassment at their president's endorsement of Trump. Evangelical women and authors denounced him, some even endorsing Clinton, as did many evangelical writers and academics. The flagship journals, *Christianity Today* and *World*, published blistering editorials condemning Trump, though without endorsing Clinton or other candidates. Hispanic evangelical leaders denounced the GOP nominee.

Catholics tended to be ignored, except when both sides accused others of expressing anti-Catholic sentiments. Polls showed Trump running weaker than Romney and McCain among white Catholics. The Trump campaign accused several Clinton staffers of expressing anti-

State Referenda

Massachusetts voters defeated Question 2 by 62% to 38%. It would have authorized 12 new charter schools per year from here on out. The proposal was pushed by about \$25 million from largely out-of-state non-educator "reformists" and opposed by \$15 million of locally raised campaign funds.

Georgia voters, by 60% to 40%, defeated Amendment 1, which would have authorized the governor to take over low-scoring public schools and put them in an "Opportunity School District" of charter schools, some of them for-profit outfits. As Diane Ravitch put it, "Georgians apparently didn't like the idea of abolishing local control of their schools."

In Washington State, voters re-elected the Supreme Court judges who had declared that charter schools are not public schools, rejecting the candidates supported by billionaire Bill Gates.

Conservative Republican Oklahoma rejected a constitutional amendment that would have abolished the provision in the state constitution (Article 2, Section 5) that prevents public funds to be used to support religion. The provision had been in the constitution since statehood in 1907, but legislative conservatives were angry that the state Supreme Court had invoked it when ruling against a government-sponsored Ten Commandments monument on the state house grounds. The proposed change (SQ 790) was soundly rejected 57% to 43% at the same time that two-thirds of voters opted for Trump and reelected all Republican congressmen. This could be considered the 29th state referendum on this general subject.

Colorado became the sixth state to approve a death-with-dignity bill modeled on Oregon's 1997 law. Oklahoma became the first state to add capital punishment to its constitution, which also declared that it cannot be deemed cruel and unusual punishment. Nebraska reinstated capital punishment after the legislature eliminated it last year. California voters rejected a proposition to end the death penalty but voted for a proposal to speed up the death-row appeal process.

California, Massachusetts, Nevada and Maine voted to allow recreational marijuana while Arizonans rejected a similar proposal.

Catholic views in emails, even though Democratic vice presidential candidate Tim Kaine is a staunch practicing Catholic.

Jewish voters were divided between the Orthodox 10% and all others, with Trump winning among the Orthodox but losing overwhelmingly among Secular, Reform and Conservative Jews, according to some polls. Trump was expected to receive much lower than Romney's 30% of the Jewish vote nationally.

Muslims and other religious groups, as well as the "nones," showed enormous support for Clinton in the few polls that included enough of a sample. Asian-Americans, who are religiously diverse, were heavily pro-Clinton in polls, even though Hindu nationalists supported Trump. In one national poll of all Asian American communities, only 7% of Asian Indians favored Trump. Clinton had a 3-1 or 4-1 margin among all Asian ancestry subgroups.

A nationwide survey of 800 Muslims released on October 13 found that 86% planned to vote. Clinton crushed Trump 72% to 4% among the decided.

continued on page 7

Trump Picks Public School Foe for Education Secretary

President-elect Trump named a long-time advocate of vouchers and unregulated charter schools to be his Secretary of Education on November 19. Betsy DeVos is best known as the founder of the American Federation of Children and its political arm, which openly endorses candidates who favor vouchers and charter schools, and have poured millions of dollars into the coffers of “school choice” organizations. Her group basically supports every educational entity that is opposed to traditional public education.

DeVos’s father, Edgar Prince, is a multi-millionaire businessman, and her brother, Erik Prince, is founder of Blackwater, a private security firm that was active during the early years of the Iraq war. A graduate of conservative Calvin College in Grand Rapids, associated with the Christian Reformed Church, she is married to Dick DeVos, Jr., an heir to the Amway fortune. Betsy DeVos is a former chair of the Michigan Republican Party, and her husband was the unsuccessful GOP nominee for governor in 2006.

Another former chairman of the Michigan GOP, Saul Anuzis, said, “Nowhere has the family made its presence felt as it has in Michigan, where it has given more than \$44 million to the state party, GOP legislative committees, and Republican candidates since 1997.”

The DeVos empire is not confined to Michigan. *Mother Jones* magazine reported on the group in 2014 and concluded, “Since 1970, DeVos family members have invested at least \$200 million in a host of right-wing causes—think tanks, media outlets, political committees, evangelical outfits, and a string of advocacy groups. They have helped fund nearly every prominent Republican running for national office and underwritten a laundry list of conservative campaigns on issues ranging from charter schools and vouchers to anti-gay-marriage and anti-tax ballot measures.”

Their main commitment is to vouchers, private schools, and charter schools. In 2000 they financed a referendum to the Michigan constitution that would have allowed public aid to faith-based and other private schools. It lost in a landslide, 69% to 31%.

Her nomination was ecstatically welcomed by voucher groups like the Friedman Foundation and congressional Republicans. “Her nomi-

nation was greeted with enthusiasm by GOP leaders on Capitol Hill,” wrote Emma Brown in *The Washington Post* on November 23.

But public school advocates immediately voiced concern and opposition. “By nominating Betsy DeVos, the Trump administration has demonstrated just how out of touch it is with what works best for students, parents, educators and communities,” NEA President Lily Eskelsen Garcia said in a statement. “She has consistently pushed a corporate agenda to privatize, de-professionalize and impose cookie-cutter solutions to public education.”

Her counterpart at the American Federation of Teachers, Randi Weingarten, agreed, “Betsy DeVos is everything Donald Trump said is wrong in America—an ultra-wealthy heiress who uses her money to game the system and push a special-interest agenda that is opposed by the majority of voters.”

ACLU of Michigan executive director Kary Moss urged Congress to “scrutinize the record of Betsy DeVos,” and added, “She has ardently supported the unlimited, unregulated growth of charter schools in Michigan, elevating for-profit schools with no consideration of the severe harm done to traditional public schools. She’s done this despite overwhelming evidence that proves that charters do no better at educating children than traditional public schools and serve only to exacerbate funding problems for cash-strapped public districts. We believe that all children have a right to a quality public education, and we fear that Betsy DeVos’ relentless advocacy of charter schools and vouchers betrays these principles.”

The DeVos family was deeply involved in the passage of Michigan’s charter school law in 1993. *Washington Post* writer Emma Brown raised some additional questions in a November 24 article. “DeVos, a billionaire Republican power broker with no professional experience in schools, is an unconventional choice to lead the federal education bureaucracy. And while her views on choice are well known, it is unclear how she would lead a department with responsibilities that sprawl from administering student loans to enforcing civil rights in schools.”

Some have raised questions about Trump’s overall approach to education funding and how it could affect the entirety of U.S. education. When Trump announced his nomination of DeVos, he said, “Under her leadership we will reform the U.S. education system and break the bureaucracy that is holding our children back....”

Carol Burris, executive director of the Network for Public Education, wrote on November 21, “The plan on the Trump-Pence website promotes redirecting \$20 billion in federal funds from local school districts and instead having those dollars follow the child to the school of their choice—private, charter or public. States that have laws promoting vouchers and charters would be ‘favored’ in the distribution of grants.”

Ironically, Trump’s plan for education change will do little or nothing for rural America, which voted for him by a historic landslide. Alan Richard, board chair of the nonprofit Rural School and Community Trust, and a longtime education reporter, wrote in *Chalkbeat*, an independent news organization specializing in education: “Rural and small-town voters helped Donald Trump win the White House this month. Some of those voters are now counting on him to bring change to their communities. Whether that happens will be determined, in large part, by education. But rural schools often get little attention from our nation’s leaders, even though nearly nine million students attend them — more
continued on page 7

Mr. Trump’s Education Choice

President-elect Donald Trump’s choice of Betsy DeVos as secretary of education is terrible [“DeVos a top backer of ‘school choice’,” front page, November 24]. Ms. DeVos has a long record of working to undermine public education. But the voters in her home state of Michigan are not buying it. In 2000, Ms. DeVos and her husband backed a proposed amendment to the state constitution to allow tax aid to private schools through vouchers. Michigan voters defeated it 69% to 31%.

In 28 similar referenda from coast to coast between 1966 and 2014, millions of voters rejected vouchers, tax credits and similar gimmicks by an average vote of 2 to 1.

Diverting public funds to private schools would have serious adverse effects for the small towns and rural communities that voted for Mr. Trump. That is why Republican legislators in Texas won’t pass a voucher bill.

Edd Doerr, President, Americans for Religious Liberty
The Washington Post, November 28, 2016

Election 2016, *continued from page 1*

urbs, and swept the small towns and most rural and isolated counties. Democrats were wiped out in rural America, even in once heavily Democratic strongholds. Trump won 82% in the Virginia coal country and 72% in the Missouri Bootheel region, all of which voted Democratic from Truman through Gore. Similar shifts to Trump came in the West Virginia and Kentucky coal counties, and in the Appalachian rural areas in Ohio, Pennsylvania, New York and Maine.

Among other groups: Gays and lesbians supported Clinton 78% to 14%, a larger margin than Obama secured. Union members went for Clinton 51% to 43%, a much weaker showing than usual for a Democrat, undoubtedly a factor in Trump's Great Lakes and Pennsylvania victories. Veterans went for Trump 65% to 34%, a much larger than usual Republican edge.

While Trump's appeal in the Rust Belt was largely due to economic disappointments resulting from factory closings and trade deals, his appeal also involved cultural resentments. Voters who favored deportation of undocumented immigrants favored Trump 84% to 14%, and those supporting building a wall with Mexico supported Trump 86% to 10%. Nativism was an undeniable factor.

Republican control of the House and Senate (another surprise) assures a one-party government at the federal level for the foreseeable future. The Supreme Court, the only holdout so far of the three branches of the federal government, could topple to the Right with a new appointment (or two), though a titanic struggle in the Senate is expected.

Trump still has to face the fact that he was not the popular vote winner. Exit polls showed that only 38% of all voters viewed him favorably (including a significant number of those who voted for him). Only 44% had a favorable view of Clinton, confirming that the two major parties nominated the least acceptable candidate in their long histories. A majority of Americans will be dismayed on Inauguration Day, making the new president's job that much more difficult.

Demographers and political forecasters may have to reevaluate their assumptions. Almost all predicted that demographic change toward the nonwhite communities, and religious change toward disaffiliation, would combine to produce a growing and permanent Democratic majority. But even if this were true, and it appears from this election that it was not, these forecasters missed another possibility: that angry white voters, who loathed globalization, multiculturalism, and a changing America, would turn out one last time to slow these trends or reverse them. Their turnout was much higher than usual, while that of the newer growing groups by and large was not. The have-not voters expressed their rage toward those they scorned as elitists in business, Hollywood and academia.

Only time will tell when buyers' remorse sets in. ■

Back Issues of *Voice of Reason*

Since 1982 Americans for Religious Liberty has published 137 issues of its journal, the *Voice of Reason*. All of these issues are now available in downloadable PDF format at our website, www.arlinc.org.

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

ARL, PO Box 6656
Silver Spring, MD 20916

Education Secretary, *continued from page 6*

than the enrollments of New York City, Los Angeles, Chicago and, incredibly, the next 75 largest school districts *combined*.

He continued, "And the central idea Trump has offered so far for improving education—providing billions of dollars in exchange for expanding school choice—makes little sense in most of those communities. Rural students and families often have no viable choices beyond their local public school. That's especially true for children of color in the rural Southeast, Southwest, and on Native American lands. In these areas, the next-closest school can be very far away. Trump's vouchers, therefore, would rarely be a reasonable option. Charter schools aren't prevalent in rural areas either, and likely never will be, given the expense of running isolated schools." ■

Election Geography, *continued from page 3*

Pennsylvania, a blue-collar Pittsburgh suburb that supported Stevenson, Humphrey, Carter (twice), Mondale and Dukakis, voted by 31 points for Trump. Madison County, Illinois, a suburb of St. Louis, with a long and nearly unshakable Democratic heritage, went for Trump by 16 points.

Some Key Counties and Regions

Large diverse suburbs moved in opposite directions in many places. Trump carried Long Island, where his margin of votes in Suffolk County overcame Clinton's vote margin in Nassau County.

But Clinton showed surprising strength in the growing suburbs around Atlanta, where she was the first Democrat since Carter in 1976 to carry Cobb and Gwinnett Counties. She recaptured well-to-do Chester County in the Philadelphia suburbs, and became the first Democrat since Roosevelt in 1936 to carry rock-ribbed Republican Orange County, where some observers say the New Right began in the early 1960s. She swept the Chicago suburbs by 486,000 votes.

Greater Washington, D.C., where Trump said "he would drain the swamp," responded in kind by giving Clinton its biggest margin in history. In the District proper, only 4% voted for Trump compared to 7% for Romney in 2012 and 15% for Goldwater in 1964. The Maryland suburbs went for Clinton almost 6-1 and the Virginia suburbs by 4-1. Even the exurbs, Republican in most states, went for Clinton, including Loudon County, Virginia, and Howard County, Maryland, two of the wealthiest counties in the U.S. ■

The Religious Vote, *continued from page 5*

Mormons, one of the most loyal of Republican voting groups, became one of the big "ifs" in this unpredictable election. Polls showed Utah split four ways, with Trump receiving the lowest support for a Republican since before World War II. Clinton remained unpopular, while many voters were flocking to Libertarian Gary Johnson or a minor-party candidate, fellow Mormon Evan McMullin, who was on the ballot in 11 states. After the revelation of a 2005 tape of Trump's insulting and salacious views of women, virtually every Mormon member of the House and Senate, as well as the governor, denounced Trump in no uncertain terms, throwing Utah up for grabs for the first time in a half-century. The church-owned *Deseret News* called for Trump to withdraw.

As it turned out, Trump did better among almost all of these groups. ■

Abortion Law and Climate Change Under Trump

Freedom of conscience and choice on abortion may be the first victim of the new president, who has promised to appoint a Supreme Court Justice who will overturn *Roe v. Wade*. This may take years since cases have to move from the appeals courts, in which there are 100 vacancies, and be accepted by the High Court. The narrow 52 to 48 Republican Senate majority is also unpredictable, since there are a few resolutely prochoice Republicans.

Anti-choice activists are hoping for a congressional ban on abortions at 20 weeks and the defunding of Planned Parenthood. Another potential danger is the aging of the Supreme Court's stalwart prochoice members, possibly giving Trump a chance to remodel the entire court for decades.

The president can move unilaterally on a number of issues that don't require congressional approval. *Washington Post* legal affairs correspondent Robert Barnes wrote on November 10 that "Trump's upset victory probably changes the court's docket, as well: With a stroke of the pen, the new president could cancel President Obama's regulations regarding the environment, immigrants and the provision of contraceptives under the Affordable Care Act, all issues that have preoccupied the justices in recent terms."

Trump, a climate-change denier, poses real problems for the world scientific community and civilization itself. Will he, for example, cancel the Paris climate agreement that was signed by the U.S. and many nations in 2016? Will his administration eliminate or reduce environmental regulations that affect numerous issues? What about scientific research that affects climate change?

"Trump will be the first anti-science president we have ever had," Michael Lubell, director of public affairs for the American Physical Society, told *Nature*, "The consequences are going to be very, very severe."

As Edd Doerr argues, the climate change discussion needs to include all of these concomitants: atmospheric CO2 buildup; environmental degradation; deforestation; desertification; soil erosion and nutrient loss; rising sea levels; biodiversity loss; Arctic, Antarctic and Greenland ice melting; renewable and nonrenewable resource overuse; and the overpopulation that fuels all this.

Since Trump has been on different sides of most issues before and even during his campaign, no one really knows what he will do, or whether a GOP-controlled Congress will modify or block some of his plans, once these plans are announced. ■

Vouchers Blasted by Government Study

The nonpartisan Government Accountability Office (GAO) released a multiyear study on September 12 finding that taxpayer-funded voucher programs take \$1 billion from taxpayers but deliver an inferior product.

Four serious flaws exist. Taxpayer-funded voucher programs:

1. "Have weaker standards for teacher preparedness than public schools.
2. "Cherry-pick student applicants to taxpayer-funded voucher schools for admission often times discriminating against some students based on their religion or disability-related behaviors.
3. "Often siphon away funds directly allocated to public schools.
4. "Fail to serve students when deficiencies in taxpayer-subsidized private schools lead to students with disabilities departing the school because they required more services than the schools could provide."

GAO researchers looked at all national programs but concentrated on Arizona, Indiana, Ohio, and Wisconsin. The report confirmed that vouchers "complicate efforts to provide students with equitable education services such as speech therapy or reading tutors."

The report found: "While comparatively few students with disabilities are admitted into taxpayer-funded voucher programs, federal investment through the Individuals with Disability Education Act (IDEA) are being used to fund taxpayer-funded voucher schools' services, forcing public schools to stretch their dollars further."

Despite voucher supporters' claim that their funding does not affect public school budgets, "The GAO report documents how increased demand for federal funds for services in private schools has affected the quality and amount of services that public schools can provide for their students. One public school district indicated it was no longer able to pay for additional services or develop programs for those public school students who were most academically at risk."

Some schools showed preference or favoritism to religious affiliation. "One taxpayer-funded voucher school studied by GAO required all

students in fourth grade and above to agree to follow a list of religious principles when applying to the school, blurring lines between the separation between church and state. Officials from another taxpayer-funded voucher school said students with the same religious affiliation as the school received priority during the admissions process."

GAO concluded: "There is significant need for the Department of Education to clarify funding streams, standards, and services offered by taxpayer-funded voucher programs to ensure taxpayers are not footing the bill for programs that aren't benefiting our children."

Despite these serious deficiencies, voucher programs have more than doubled in the past five years, from 70,000 students to 147,000 students, and public funding has gone from \$400 million to \$859 million. (It is also noteworthy that many states provide private schools with transportation, textbook "loans" and other services, adding another \$1 billion).

The report's chief sponsor was Rep. Mark Pocan (D-WI), who requested the GAO study in December, 2014. Pocan responded to the findings: "This GAO report confirms our deepest concerns about taxpayer-funded voucher schools. We already know voucher and many charter school programs lack the same levels of accountability and transparency as our public schools, but what this study proves is that many of these schools are also failing to meet the needs of special needs students and in many cases discriminating against them. ... Unless we reverse this trend, we will be left with an education system that favors taxpayer-funded voucher and charter schools, with low educational standards and discriminatory practices, at the expense of public schools."

It should be added that, according to *Education Week* in November, 35 states (and local jurisdictions) have reduced per student spending on public education by about 8%.

(For other news, see "The Voucher Watch" on page 9.) ■



Voucher Watch

• Donald Trump proposed a \$20 billion block grant to expand voucher schools and charter schools. Trump's announcement on September 8 was made at a Cleveland charter school. "As your president, I will be the nation's biggest cheerleader for school choice," he said. *Politico* writer Caitlin Emma noted, "The backdrop for Trump's speech was an Ohio charter school that is itself failing. Trump said his proposed block grant program would come from redirecting existing federal funds, though he didn't specify which existing federal programs would lose funding to pay for the new initiative."

• A leading Ohio newspaper, *The Columbus Dispatch*, found that white students were more likely to be accepted in taxpayer-funded voucher schools than black students. The newspaper's analysis of 2014-2015 data found that 33% of white students who attend low-performing schools were admitted to voucher schools compared to 21% of black students.

Bill Bush, a journalist for the *Dispatch*, wrote: "Add in a second, fast-growing Ohio voucher program, known as the EdChoice expansion program, which provides low-income students with vouchers even if they aren't assigned to a low-performing public school, and the enrollment grows even more disproportionately white."

Bush added that "Private schools are permitted to have requirements for enrollment, such as students meeting academic standards or having certain religious affiliations," which could explain the racial disparity. Vouchers, both EdChoice and EdChoice expansion, cost taxpayers \$117 million a year.

• The Trump campaign added Indiana voucher advocate Rob Goad to its staff as a policy adviser, assigning him the task of developing "school choice" proposals for a Trump administration. Goad has worked for five

Education writer Diane Ravitch, in her December 3 blog, praised ARL president Edd Doerr's 2012 study, "The Great School Voucher Fraud." Ravitch wrote that Doerr "gives a brief overview of the history of vouchers, explains why vouchers are a very bad idea, and reviews the state referenda on vouchers or their variants on public funds for religious schools." She added, "So bear in mind as Trump and DeVos and others promote vouchers that would divert money from public schools to religious schools, they are at war not only with voters but with the Founding Fathers."

years for Rep. Luke Messer (R-Ind), a member of the House education committee and a voucher supporter.

Messer supports redirection of federal funds for private schools and advocates more federal money for charter schools. *Education Week* reporter Andrew Ujifusa wrote on September 7 that this was "a logical move by the Trump campaign" in an attempt to win African-American voters who are unhappy about the state of public education in their neighborhoods, (caused largely by legislative cuts in education spending in poor areas).

• Indiana's voucher-participating schools are overwhelmingly religious. Of the 264 schools that participated in the 2016-2017 school year, 154 are Catholic (58.3%), 60 are evangelical Christian (22.7%) and 38 are Lutheran (14.4%). Also receiving vouchers are four Islamic, three Seventh-day Adventist, two Jewish and one Presbyterian. Under Governor (and soon to be Vice President) Mike Pence, Indiana enacted the most sweeping school voucher program in the nation. ■

Updates

Gulen Schools Face Investigations

The 150 or so charter schools that enroll 70,000 students are facing investigations in Ohio, Texas and elsewhere, and their leader, Muslim cleric Fethullah Gulen, has embroiled the U.S. in an international conflict with Turkey.

American Federation of Teachers official Gene Bruskin explained some of the problems he discovered in an *AlterNet* report on August 30. "Dozens of Turkish men were forming charter school boards and applying to open schools for approval by city officials or school district administrators or state education department bureaucrats. These charter schools were allied with education management organizations—the private foundations or companies hired to run the daily operations of the schools—that were also run exclusively by Turkish men. The charter applications stated that these schools in part would be staffed by teachers or administrators brought to the United States from Turkey under the H1-B visa program for 'specialty occupations.'" (*The Cincinnati Enquirer* found that 12% of staff at 17 Gulen schools were H1-B visa holders).

Bruskin charged: "In the United States, the Gulen movement has successfully employed many hundreds of its adherents inside the charter schools and used public funds to further employ many thousands of other adherents through contracted products or services to the charter schools. ... Even within the insular charter school industry where public funds regularly become private profit like modern alchemy, the presence of charter operators dominated by recently arrived Turkish men has no precedents."

Bruskin also discovered that "American teachers were commonly paid substantially less than the Turkish visa-holding educators." The situation has become scandalous because "charter school employee salaries are entirely from public sources, so it's not a stretch to say the American education system is indirectly subsidizing the Gulenist missionary purposes."

"The U.S. Department of Education awarded the Gulenist Cosmos Foundation a multimillion-dollar grant in 2011" to grow charter schools in Texas.

Bruskin concluded: "The lack of transparency of the Gulen charter network and the failure of federal and state oversight are warning signs of the dangers involved in turning over taxpayer dollars for public education to private charter operators."

continued on page 10

Contraception Opinion Linked to Religion

Americans, by 67% to 30% in a September Pew poll, think employers who are opposed to contraception should still provide coverage for their employees. Majorities among all religious groups except white evangelicals take this position. Among weekly churchgoers, however, the margin in favor drops to 49% to 48%, reinforcing the view that regular church attendance seems to correlate with more conservative attitudes on many issues.

Charters: Ups and Downs

The U.S. Department of Education awarded a \$4.9 million grant to a New York-based network of Hebrew charter schools, according to an October 13 report in the Jewish Telegraphic Agency (JTA). The five-year grant will allow Hebrew Public to expand its school system.

JTA reported: "Hebrew Public manages two elementary schools and one middle school each in Harlem and Brooklyn. The organization also partners with six elementary and middle schools across the country, including in New Jersey, Washington, D.C., San Diego, Los Angeles and Minneapolis. At Hebrew Public, subjects are taught in both English and modern Hebrew. The schools are not religious and students of all backgrounds may attend."

The Los Angeles School Board, however, voted not to renew five charter schools, including three run by the Gulen network. The schools will probably appeal to the state board of education. A reversal is expected since Gov. Jerry Brown is said to be sympathetic to charters.

International Updates

London: Prime Minister Teresa May encouraged Catholic Church leaders and educators to create more church-run but taxpayer-funded schools in a September address. The schools have been "publicly-aided" since 1944, but recent changes require them to take at least half of their

pupils from non-Catholic backgrounds. May said her government would end that requirement. Author Austen Ivereigh observed in *Crux* on September 12: "That meant, she said, removing the obstacles to more publicly-funded faith schools, most of which are set up and run by the Church of England and the Catholic Church, but which also include Jewish, Muslim and Hindu schools. Currently faith schools make up a third of all mainstream schools in England."

Ivereigh cited data that two-thirds of the faith-based secondary schools are Catholic (or 22% of all). This figure does not include the many "public" schools like Harrow and Eton that are not funded by government but attract disproportionate numbers of students from wealthy or prominent families.

Ivereigh concluded: "If, as May intends, that cap is lifted, she knows that will mean a considerable expansion of Catholic schools. In effect, the prime minister is entrusting to the care of the Catholic Church, a potentially unlimited share of publicly-funded education of the next generation of English people. For an officially Anglican country where religious unbelief is the norm, that's not a small thing."

Oslo: Norway's Catholic Church was fined the equivalent of \$142,000 for "exaggerating the number of members it has to receive more state aid," according to a report in *Agence France-Presse* on November 28. The government is also seeking a reimbursement of \$4.4 million from the church in previously granted funds. "In Norway, the state finances the various religious minorities in proportion to the number of church members," the French news agency reported. The Catholic Church denied the charges, saying it has experienced immigration from Poland that was not officially recorded or registered. If the church fails to pay, it could be charged with aggravated fraud.

Warsaw: The Polish legislature on October 6 voted overwhelmingly (352 to 58) to reject a proposal from arch conservatives and Catholic Church leaders to ban all abortions. A nationwide protest by women on October 3 showed the widespread opposition to such an extreme measure, causing lawmakers to reverse earlier indications that it might pass. Poland already has one of the most restrictive laws in Europe. ■



Church and State in the Courts

A Florida court rejected a challenge to one of the state's voucher programs, the Florida Tax Credit Scholarship, enacted in 2001 and affecting 90,000 students. Judge Lori Rowe of the First District Court of Appeal struck down an appeal from the Florida Education Association on August 16, concluding, "Appellants failed to allege that they suffered any special injury as a result of the operation of the Florida Tax Credit Scholarship Program and failed to establish that the Legislature exceeded any constitutional limitation on its taxing and spending authority when it authorized the program."

The opponents of the voucher program (mostly public school educators) cited Article 1, Section 3, of the state constitution: "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution."



Legislative prayer received a boost on September 19 when a three-judge panel of the U.S. Court of Appeals for the Fourth District upheld the Rowan County (North Carolina) Commission's long history of exclusively Christian and often outspokenly proselytizing prayers. The decision overruled a district court which found the practice violated the U.S. Constitution in *Lund v. Rowan County*.

The 2-1 majority decision concluded that "the practice carries special meaning to the thousands of state and local legislators who are citizen representatives" and that "legislative prayer stands on its own distinct ground owing to its historically based practice and acceptance."

A sharp dissent was written by Judge J. Harvey Wilkinson III, appointed by President Ronald Reagan in 1984, who wrote, "When a seat of government begins to resemble a house of worship, the values of religious observance are put at risk, and the danger of religious division rises accordingly.... A ruling for the county bears unfortunate consequences for American pluralism." The practice "rises to the level of

coercion.”

Wilkinson added, “When the state’s representatives so emphatically evoke a single religion in nearly every prayer over a period of many years, that faith comes to be perceived as the one true faith, not merely of individual prayer-givers but of government itself.”

The ruling, which will be appealed to the full Fourth Circuit bench, was immediately criticized by legal scholars.

Noah Feldman, a professor of constitutional law at Harvard University, called the ruling “a significant defeat for religious liberty.” He added, “There’s a name for spreading the gospel in an official government setting: It’s called an establishment of religion.”

Dahlia Lithwick, legal correspondent for *Slate*, wrote, “This opinion enshrines into law the pitiless disregard for minorities and misapprehension about what it means to be treated equally by the state, that has made this election season so toxic.”



The Nevada Supreme Court held on September 29 that the state’s Education Savings Account program, that would generously aid private and religious schools, had an unconstitutional funding mechanism. The 4-2 ruling said the program contradicted the Nevada Constitution prohibition of such aid by using money allocated for public schools. But its confusing decision also said that public money transferred to parents is no longer “public funds” and can apparently be used for sectarian purposes, which the state constitution specifically bans. The court rejected another constitutional prohibition that the legislature must “provide for a uniform system of common schools,” and implicitly encouraged legislators to provide alternate funding sources for sectarian education.

The court ignored Article 11, Sections 9 and 10, of the Nevada Constitution, which was ratified by voters in the 1880 general elec-

tion. Here is the unambiguous language:

Section Nine: Sectarian instruction prohibited in common schools and university. No sectarian instruction shall be imparted or tolerated in any school or university that may be established under the Constitution.

Section Ten: No public money to be used for sectarian purposes. No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose.

This rather confusing ruling was updated a bit on November 18, when Judge James Wilson of the Eighth Judicial District Court issued an order ending *Lopez v. Schwartz*, the case challenging the ESA voucher program. Educate Nevada Now, a pro-public education group, explained, “Judge Wilson entered a permanent injunction halting the program based on the Supreme Court’s landmark ruling declaring the ESA funding scheme unconstitutional.”

Meanwhile, the state has continued to send out applications for ESA accounts. The Democrats recaptured both houses of the legislature and may defund the ESA program. Its advocates are asking legislators for \$40 million to devise an end-run around the state courts.



The Oklahoma Supreme Court unanimously struck down a state law restricting abortion. The October 4 ruling came on the technical grounds that the statute adopted by the legislature last year “contains different and unrelated purposes” in violation of the state constitution’s requirement that legislation must cover a single subject. The law called for government inspection of abortion clinics, limited legal liability for abortion providers, called for stricter parental consent for abortions of minors, and dealt with tissue preservation. The Center for Reproductive Rights called the decision a significant victory for choice. ■

Books and Culture



Christmas in the Crosshairs: Two Thousand Years of Denouncing and Defending the World’s Most Celebrated Holiday, by Gerry Bowler. Oxford University Press, 2016, 299 pp., \$29.95.

Is there a war on Christmas? Canadian historian Gerry Bowler says there is not so much a war on Christmas as a war about Christmas. “There is a history of almost two thousand years of opposing, controlling, reforming, criticizing, suppressing, resurrecting, reshaping, appropriating, debating, replacing, and abolishing the world’s most popular festival. It continues to this very day.”

This conflict has affected religious life, commerce, law and politics. Bowler has a particularly interesting chapter on how Communism suppressed the religious attributes of Christmas while Nazism tried to recast it as a neopagan holiday that glorified Teutonic gods.

In the United States, Christmas conflicts represent “an uncivil war about the place of religion in the public square,” whose “roots lie in a culture war that is already under way, in deeply held presuppositions about society, in mutual misunderstanding, and in a shift in what constitutes the highest public virtues.”

These annual disputes will likely continue. “Christmas looms far too large in our moral, religious, economic, and social landscapes for one to expect a tranquil uniformity of position.” He concludes, “Will there ever be an end to struggles against, for, and around Christmas?

Almost certainly, no. Christmas is simply too important in countless ways: in the intimate lives of families, in the industrial economy, in its spiritual challenge, in art, music, and cinema...Humankind will be loving it, hating it, and arguing about it for centuries to come.”

— Al Menendez

Believers, Thinkers, and Founders: How We Came to be One Nation Under God, by Kevin Seamus Hasson. Image, 2016, 225 pp., \$20.00.

This book, which purports to explore the meaning of the words “Creator” and “God” in American history, gives a new set of meanings to the words “vapid” and “shallow.” It fails to even hint at what the rights are that are referred to in the Declaration of Independence, contains not a shadow of a hint about the church-state controversies that have wracked our country, and nothing about how the concepts of rights have evolved. It betrays a weak knowledge of history and spends an inordinate amount of time talking about a trivial case of no significance. The author is the founder and president emeritus of the Becket Fund for Religious Liberty, an organization seemingly dedicated to undermining religious liberty and church-state separation. As Ambrose Bierce would have said, its covers are too far apart.

— Edd Doerr

continued on page 12



Americans for Religious Liberty

PO Box 6656

Silver Spring, MD 20916

NONPROFIT ORG.
U.S. POSTAGE
PAID
SOUTHERN, MD
PERMIT NO. 4004

RETURN SERVICE REQUESTED

Books and Culture, *continued from page 11*

Damning Words: The Life and Religious Times of H.L. Mencken, by D.G. Hart. William B. Eerdmans Publishing Co., 2016, 259 pp., \$26.00.

H.L. Mencken, “the Sage of Baltimore,” was one of America’s greatest writers in the first half of the Twentieth Century. Specializing in language, culture, society and, especially, in politics and religion, he is best remembered for his outspoken coverage of the Hoover-Smith battle for president in 1928 and the lunatic hysteria of anti-Catholicism voiced by most evangelicals and fundamentalists. On election eve he wrote a column called “The Eve of Armageddon”: “The extent of the bigotry prevailing in America, as it has been revealed by the campaign, has astounded a great many Americans, and perhaps even made them doubt the testimony of their own eyes and ears. . . . This campaign has amply demonstrated the fact. It has brought bigotry out into the open, and revealed its true proportions. It has shown that millions of Americans, far from being free and tolerant men, are the slaves of an ignorant, impudent and unconscionable clergy.”

A week after the Hoover landslide, Mencken wrote, “Al Smith’s body lies a-mouldering in the grave, but his soul goes marching on. He fought a good fight, and he was right. . . . He made a gallant and gaudy campaign against tremendous odds, and he went down to defeat with every flag flying and the band playing on deck.”

Mencken was a confirmed skeptic in religious matters and remained so until his death. “To be sure, Mencken remained throughout his life unmoved by the claims of Christianity. But he also recognized that its concerns, writings, and institutions were significant aspects of human existence that could no more be dismissed than death, ambition, friendship, taxes, and the veneration of Abraham Lincoln.” His attitudes were formed and influenced by the evangelical domination of politics, culture, social life and education during his lifetime. He abhorred the admixture of religion and politics, seeing it as a betrayal of American constitutional ideals. He thought civil religion was a farce.

In this excellent study, Hart, a conservative scholar, praises Mencken for his “capacity to expose civil religion’s pretense, idealism, and hollowness.”

Mencken used sardonic ridicule and humor in his commentaries and recollections. He opposed extremists on the left and right. Hart argues that Mencken would not be enamored of today’s “new atheists,” suggesting that he would see them as similar to fundamentalists in their approach to religion.

Hart warns that “the mixture of religion and politics only became more potent since Mencken’s death. . . . Mencken’s sincere advice is needed today. . . . at a time when the United States is even more prone to religion-inspired hysteria than in an earlier era when liquor, dirty novels, and contraceptives were illegal.”

— Al Menendez

The Invisible Bestseller: Searching for the Bible in America, by Kenneth A. Briggs. William B. Eerdmans Publishing Co., 2016, 239 pp., \$25.00.

Briggs probes a modern anomaly: The Bible, which is found in 88% of American homes, is rarely read and is no longer at the center of American public life (though politicians often quote it, usually inaccurately). He explores the reasons for Biblical illiteracy in modern culture.

His discussion of attempts to teach the Bible in public schools is spot-on. “The argument for injecting the Bible into the public schools is making limited headway” because “there is still a suspicion that such classes might become exercises in favoring one religion over another.”

The underlying problem is that “qualified teachers have to be found who are willing to take on the challenge. . . . In particular, it was difficult to find teachers who could treat the Bible objectively. The problem is that those most interested in teaching such classes in the heart of evangelical America are fairly certain to be committed Christians who might very well have a hard time maintaining religious neutrality.”

He notes that in Texas, in particular, “most classes were riddled with bias in favor of conservative Protestant interpretations. Some had imposed the fundamentalist notion that the world was created 6,000 years ago, others that the Bible was written directly by God.”

Finally, “many of the Bible teachers didn’t measure up to state requirements and chose materials for the class that pushed their own religious views.”

— Al Menendez