



A MAGAZINE OF RELIGIOUS FREEDOM

# LIBERTY

SUBSCRIBE NOW \$7.95  
SIX ISSUES ONLY  
GIFT SUBSCRIPTIONS AVAILABLE

JOIN THE FIGHT FOR FREEDOM  
DONATE NOW

[HOME](#)

[ABOUT US](#)

[ARCHIVES](#)

[SUBSCRIBE](#)

[EDITOR'S BLOG](#)

[IN THE MEDIA](#)

NOVEMBER / DECEMBER  
1999

[CONTACT US](#)



## IN THIS ISSUE

Obiter

How Then Shall We School?

The Best Schooling Possible

Which Judeo-Christian Tradition?

Separation of Church and State Is Not Just for Liberals . . .

The Third Way

Why I Am Against Instituting School Prayer

Home Schooling and the Law

### NEW! LIBERTY ROUND TABLE

Read ongoing discussions on current religious liberty issues presented by leaders in the field. [Read Now](#)



### EDITOR'S BLOG

School prayer has been a matter of serious contention for decades. In 1962 the ...[Read More](#)



### LIFEQUEST LIBERTY

Podcast: Join Charles Mills and Lincoln Steed as they look at our religious liberty. [Listen Now](#).



### CAMPAIGN RESOURCES

Watch campaign videos and download resources to promote the Religious Liberty Offering. [More Info](#).



### SUPPORT LIBERTY

Your donation will help us in our pursuit to maintain the religious freedoms we enjoy.



### ARCHIVES

View and search previous issues of *Liberty*



NOVEMBER / DECEMBER 1999

# Obiter

I read the "Goodbyes" in the May/June issue and felt the need to reply. Though I don't always agree with Liberty's opinions and articles, I do value the forum for the exchange of ideas and diverse opinions. The greatest danger to our society is not diverse opinions, but rather the silencing of opinions that do not comport with the powers that be, whether those powers be those of government, religion or state religion.

I see no greater argument for protecting the freedom of religion by maintaining the separation of church and state than those various letters. Which of those many views should be supported by government or taught in our public schools? Thankfully, the establishment clause protects me and my family from having any of those "correct" views imposed upon us by government of the public schools. Might I also respond to Mr. Dene's comments about the sanity and safety of our society before and after 1962. In my opinion, and facts not hyperbole support this opinion, if you are a working person, an elderly person, a poor person, a woman, a child, a person with a disability or, an ethnic, racial or religious minority, our current society is saner and safer than prior to 1962. Not that we don't have problems. We do, but maintaining separation between church and state did not create the problems, and most importantly tearing down the "wall of separation" between church and state will not solve the problems.

Keep up the good work!

AL SMITH

Helena, Montana

## 101 Gets A

A friend of mine sent me a copy of Liberty, Vol. 94, No. 3, May/June 1999 because of the article "Christianity 101." For eighteen months I served on the Lee County (Florida) School District's Bible Curriculum Committee. As a matter of fact "one dissenting member wrote to the local newspaper questioning whether religion should be taught in the schools" was me.

To bring proper closer to your article, the Tuesday, June 8, 1999 edition of the Fort Myers News Press has the following headline. "Lack of interest cancels Bible class." There just was not enough student interest to offer this course.

I was most impressed with "Christianity 101" as it was very accurate and really reflects what went on during the two years of Lee County's "worst nightmare." As a member of the committee's "minority" I never received negative emails, phone calls, letters or "letters to the editors," but some "minority" members did. This issue really did split out community apart. The "minority" worked very hard to create a curriculum that would educate our children as well as protect Lee County from the legal ramifications that did occur, but we were fought at every step by what I believe were committee members who representing the "Christian coalition."

In closing I would like to point out that there was a "minority" report concerning the Old Testament portion of the curriculum and that the committee did not vote unanimously for that portion. Also Ms. Terry Wampler, who became the candidate who was elected to the Lee County School Board in the first primary, defeating the seated Chairman, was also a member of the "minority."

Your article was factual, accurate and, I believe, very fair.

MICHAEL H. JENKINS

Cape Coral, Florida

## End of Dialog

I have patiently read many issues of your magazine, and occasionally sent you a few contributions, explaining the historical origins of the Free Exercise and Establishment Clauses in the 16th Article of the Virginia Bill of Rights and the Virginia Statute of Religious Freedom, explaining the meaning of Jefferson's phrase "separation of church and state" in his Danbury Baptist Letter by reference to the Virginia Statute of Religious Freedom, explaining the propriety and importance of teaching religion in public schools as a n essential element of education by reference to the Northwest Ordinance reenacted by the same session of Congress as framed the Federal Bill of Rights, etc. I have explained the foundations of the United States Constitution by reference to its premises of the Laws of Nature and Nature's God announced in the Declaration of Independence, and corresponding passages in Blackstone's Commentaries. I have done everything I could to steer the focus of debate away from the perversions demanded by the fanatical secular humanist bigotry of your editorial staff, published on the false pretense of a Christian denomination.

Each successive issue of Liberty becomes more extreme, irreverent, outrageous, atheistic, strident, unhistorical, intolerant, and absurd. The magazine lacks any scholarly merit, supplies no intellectual nourishment, and overthrows even the faintest pretense of objectivity. Having heard your message, and tried to enter into a reasoned exchange, only to witness more profound distortions coming from your pages, I have now come to the end of the road.

JOHN REMINGTON GRAHAM

St-Agapit, Quebec, Canada

## Virulence Revealing

At the outset, let me say that I am not a member of the Seventh-day Adventist denomination, and ACLU member, nor anti-Catholic, and in fact have voted Republican more often than anything in the last 25 years. The purpose of my letter is to comment upon the several letters that appear in the Op. Cit. Section of the Liberty magazine issue of May/June 1999. The zealotry, even virulence, of the collective letter writers condemning Liberty magazine's stances regarding church/state separation proves exactly the opposite point these writers were attempting to make. Views expressed by these writers demonstrate the need for constant vigilance to assure state/church separation.

Religion by definition assumes that the believer's faith is the only true and correct belief; conversely all others are errant. Once any group with a particular religious point of view comes into alliance with the government (beyond guaranteed protection of the right to practice) then the rest of us are in trouble. It is unfortunate that the most zealous adherents to any faith cannot limit themselves to mere proselytizing. As history has proven over and over, as soon as religious zealots obtain the power of the state, pogroms, inquisitions and ethnic cleansing are not far behind.

I find it alarming that in contemporary discussion of the subject those who are most insistent that the church have a role in state affairs, seem to also engage in name calling and judgmentalism against others who do not agree with them. Those who find "multi-cultural" an obscenity, are exactly the ones who intend to impose their views on everyone else. Once the power of the state would fall under their control, the use of that power to stamp out heresy would surely follow.

KERRY B. OLSON

Glencoe, Minnesota

#### Another Kingdom

I read your magazine yesterday and I totally agree with you. I believe the "powers that be are ordained of God" and do not belong to government. We are told to "pray for all in authority." As for getting involved in the political process that is not our calling.

The Lord said when He was here, "If my kingdom was of this world then would my servants fight." We are a heavenly people and the most we can do is pray for the Authorities. As for getting involved in the Political Process, that is not our calling.

My father and mother had a very real conversion when I was eight and everyone knew there had been a dramatic change. My Dad would not vote. He said, "My Man is not running in this election, He was crucified here."

Our children go to school to learn to read and to write. Let's keep religion out of the schools. That is what the home is for and no one is entitled to restrict us.

SARAH FROWNFELTER

Sun City, California

#### Compassionate Conservatism?

Is tolerance the gospel by which we live? Or is it truth? In a recent letter, "Tolerance is the Key," the writer suggests that to teach a child that his other parent's religion is a sin is to deny freedom of religion to the other.

Take that to the logical extreme and the weaknesses of that idea are exposed. Shall we be tolerant of Satanism, or white supremacy? Shall we be tolerant of religions that practice human sacrifice or the selling of girls into sexual slavery? Shall we as Christian parents tell our child that his other parent's choice of religion is as valid as ours if such things are the tenets of their religion? No serious Christian would do so, intolerant or not.

As Christians we are to respect people as made in the image of God. Within the family we teach our children respect for their "other parent" based on that fundamental truth and that we are told in the Bible to honor our parents. But that does not extend to the embracing of their religion anymore than it extends to approving of immorality.

As citizens of this country each one of us is free to practice his religion within the limits set by the law. That is tolerance. But we are not required to approve of their religion even though we allow them that freedom. Tolerance does not mean approval.

There is a higher law than either the popular law of tolerance or the law of this land or any land. That law is God's law. When I must choose between obeying the law of the land or the approval of another's religion or practice, as a Christian I have no choice but to obey God. When I have the responsibility under God to rear my children in the faith, as I have, I also have the responsibility to warn my child of the dangers of false and destructive religions.

DON R. CAMP

Cove, Oregon

#### Question on Liberty Laws

I am very concerned, not only with the way our government is putting forward so-called "Religious Liberty" laws, but also the way in which some church groups are proclaiming these as triumphs for Religious Liberty.

I recently read this comment in a publication put out by my own church. It was part of an article titled "Religious Freedom Act Passed in South Carolina." "Regardless of the amendment, the act which was passed is still an excellent example of what states need to be doing to pass Religious Freedom Acts."

The amendment spoken of is in itself enough to make one cringe in horror at the idea it is an "excellent example" for "Religious Freedom Acts." The amendment restricts the use of the acts privileges by prisoners. What of those who might be imprisoned for their faith? These

people will then be without any protection at all. . . . and this is hailed as an "excellent example" of religious freedom?

Second, the so called "Religious freedom Act" is in itself a law enabling government to persecute. The act states that government cannot interfere in religious practice UNLESS there is a "compelling public interest."

I find such a law as this horrifying.

RICK ANGELIN

email letter

NOVEMBER / DECEMBER 2009

# How Then Shall We School?

**BY: OLIVER THOMAS**

Home schooling is all the rage nowadays. Thousands of parents are pulling their children out of public schools to try their own hand at teaching. In a spirit of self-reliance they become do-it-yourself professors.

Some evangelical leaders are jumping on the home-schooling bandwagon. Exodus 2000 and Rescue 2010 are the most dramatic manifestations of a growing movement to dump public schools in exchange for home schooling or private religious academies.

Of course, not all of this is bad for the children. Some of the best-behaved children I know are schooled at home. And personal anecdotes aside, the empirical data is at least mixed. For example, the highest SAT scores in some states have been turned in by home schoolers.

So what's the problem? Why the big question mark for home schooling?

For those students trapped in failing schools, home schooling may be the way out. Parents who care enough to roll up their sleeves and tackle their kids' educational problems head-on get nothing but respect from me. But I only hold that for the majority of America's schoolchildren, home schooling is a mistake. The good intentions of the movement notwithstanding, home schooling gets a failing grade for a variety of reasons--some academic, some social, and some civic. By joining the home-school movement, people of faith may be shortchanging their children's academic success, neglecting their responsibility to those whom Jesus called "the least of these," and loosening the ties that bind us together as a nation.

## The Underlying Problem

Home schooling is on the rise for a good reason. In addition to the very real problem of poor academic performance associated with some schools, many parents are turning to home schooling because they feel--rightly or wrongly--that public schools have become hostile to their religion and to their values. And, truth be known, enough schools have demonstrated such a callous indifference to religion and traditional values that evangelical circles are abuzz with horror stories. There's the school district in which students were arrested for voluntarily praying around the flagpole before school began. Then there's the years-long fight by the San Diego district to keep a small Bible club from meeting during lunch period. A Massachusetts school district's mandatory AIDS awareness program included a condom demonstration as well as jokes about anal sex. Finally, there was the district in my home state of Tennessee in which a student was told she could not do a research paper on Jesus of Nazareth because that was too "religious."

Yes, with nearly 90,000 public schools in the U.S., it's no wonder some get it wrong. But the fact is, we've made enough foolish mistakes to account for a lot of conservative parents bailing out.

The truth is, things are improving. A new consensus has emerged between religious leaders (including evangelicals) and education groups about the proper role of religion in schools. The key to this new approach is a posture of genuine neutrality toward religion on the part of government. Neutrality does not mean ignoring religion--as textbooks tended to do for years. Ignoring a subject sends a message that it is either irrelevant or unimportant. In reality, religion is both relevant and important in a variety of subject areas, including art, history, music and literature.

Neutrality cannot mean censorship, either. Religious viewpoints are entitled to the same hearing as all others in a public school. Students should be free to pray, study their Scriptures, and discuss their beliefs with others, as long as they do not disrupt the school or infringe upon the rights of others. Similarly, students should be free to do research and writing on religious topics as long as the students have met the academic criteria for the assignment. Finally, neutrality on religion should not be confused with neutrality on values. Schools can and should teach good citizenship and moral character throughout the school culture. In addition to the basic civic virtues set forth in the Constitution and Bill of Rights, schools should promote honesty, compassion, the work ethic, and other values desired by the community. In most communities, this will include teaching abstinence in the sex education curriculum. And while public schools may not invoke religious authority, they must work to ensure that the religious commitments of parents and students are respected. At no time should schools suggest that values are merely a matter of personal preference without reference to absolute truths.

In short, neutrality toward religion should involve fairness. It is a matter of letting the voices be heard, so that religion is neither advantaged nor disadvantaged by the school.

A recent coalition of public school leaders and critics of public schools said it best: "Public schools may not inculcate nor inhibit religion. They must be places where religion and religious conviction are treated with fairness and respect." These words take on special significance when one realizes they were spoken simultaneously by the National Education Association, the National Association of Evangelicals, the Christian Coalition, People for the American Way, the Anti-Defamation League, and the Christian Legal Society.

And this new consensus movement about the proper role of religion in public education is not limited to high-sounding rhetoric. Using the above referenced statement of principles, Charles Haynes of the Freedom Forum First Amendment Center has statewide training projects finished or under way in California, Texas, Georgia, North Carolina, Pennsylvania, and Utah. Together communities are proving that it is still possible to find a common vision for the common good in public education.

### The Shortcomings of Home Schooling

The shortcomings of home schooling are evident in at least three areas. The first is academic performance. Although the most comprehensive study (conducted by Lawrence Rudner of the University of Maryland) reveals that home schoolers perform well above the national average for their counterparts in both public and private schools, other factors, such as family income and parents' educational backgrounds, may account for much of this success. For example, the average home schoolers have a family income of \$52,000 compared to a national average of only \$36,000. At the other end of the spectrum, 35 percent of American families have incomes below \$25,000 compared to only 8 percent of home schoolers. Similar differences exist in the educational level of parents. Significantly, 65 percent of home-schooler parents are college graduates compared to only 22 percent of the general adult population. Other differences also jump out: 97 percent of home-schooled children live in two-parent families; 94 percent of home-school families are non-Hispanic White; and fewer than 1 percent of home schoolers are African-American. In short, home schoolers fit a statistical profile that makes them more likely to excel academically, regardless of where they are taught. A more significant statistical picture would come from comparing home-school results with similar ethnic, income, and educational backgrounds for public school children.

In fact, a strong argument can be made that home schooling is a risky academic proposition for many, if not most, students. Most parents lack the patience and the skills to teach their children all they need to know about history, literature, science, and math. Certified teachers generally spend four or five years perfecting their craft. Even if all the education and methods courses were a waste--which they aren't--training in the teacher's core subject areas, such as math or language arts, gives the certified teacher a leg up on the vast majority of laypersons. Outside the core academic areas, laypeople are at an even greater disadvantage. How many parents are prepared to teach art, music, and foreign languages--not to mention calculus and trigonometry? It has been years since I have been able to help my 17-year-old with her math homework, and I have three graduate degrees!

For those who think attaining basic competence in a subject area is as simple as reading one of the textbooks available to home schoolers, try to remember your favorite elementary or high school teacher and how he or she made learning come alive. Now remember your least favorite teacher--the one who read to you from a book. Can anyone deny that a competent classroom instructor is critical to the learning process?

One of the key elements of quality education today involves mastering the tools of technology. How many parents are sufficiently competent in the latest computer hardware and software to give their children the foundation they need to succeed in college or the workplace? Teaching children how to learn, not what to learn, is the gateway to their success. It was William Butler Yeats who taught us that education is not the filling of a pail but the lighting of a fire. Never has this been more true. If we are to equip our children to be lifelong learners, we must ensure their competence in Internet research as well as in the latest computer technology.

### Socialization and Diversity

Reams have been written on the role of the common school in teaching children the social skills they need in a complex, diverse society. Yes, socialization can occur in a number of alternative venues, including the Little League, Boy Scouts, or a local church, but no institution brings all Americans together quite like the public school. More important, no other institution is engaged in the task of nation building. Yes, there are important things going on at my home and church, but no one outside the school is teaching children what it means to be an "American."

Consider for a moment that when the republic was founded more than 200 years ago, there were only a dozen or so religious groups in the United States--most of them Christian. Today experts identify several thousand. A priest told me recently that his church performs the mass in 75 languages in Los Angeles, and that's just the Roman Catholics! We live in the most diverse nation on earth, where every world religion is represented in large numbers, and new religious movements are created at an astounding rate. Conservative Christians--such as the Christian Coalition--are more politically active than ever, yet among the fastest-growing groups are those who claim no religious affiliation at all. How will we live together with such deep differences, and who--pray tell--will tell us how to do it? More important, who is going to teach the 40-plus million school-age children how to get along in this pluralistic democracy we call America?

Of course the real task for this falls to public schools, that's who. And if all of us pull our kids out of the common schools, the task simply won't be done. It's one thing to study about our diversity. It's quite another to experience it. Only by living and learning in a diverse academic community can students acquire the necessary skills for living in our multicultural society.

Too many Americans are walking around with vestiges of what it once meant to be fully American: White, male, property owner, Anglican. Today's America has no room for such a narrow definition. Being fully American is about principles and ideals--not my skin color or where I go to church. It is about the mutual rights and responsibilities we assume when we are born into--or choose--this great nation as our own. It is about freedom of religion, speech, and press. It's about due process and equal protection of the laws. It is also about my responsibility to guard those rights for all others, including those with whom I deeply disagree. This task of nation building may be the most important thing schools do. To neglect it is to imperil the nation.

#### Our Calling as Christians

Even if we were convinced that the public schools were failing us, would that justify Christians abandoning the schools? Jesus, after all, showed extraordinary care and concern for children at a time when they were considered little more than property. Consider His chilling words for those who would place stumbling blocks in the paths of children. "It would be better if a millstone were tied around your neck!" (See Mark 9:42 and Luke 17:2). In modern society, to fail to provide a child with the best education available is to put an almost insurmountable stumbling block in that child's path.

Nor can we ignore Jesus' most sobering warning to His followers: "Inasmuch as ye did it not to one of the least of these, ye did it not to me." Can there be any weaker, more vulnerable members of society than our children? The weakest, most vulnerable of those children are likely be found in a public school.

In short, it matters not about our relative age or station in life, or whether we even have school-age children. If we are Christian adults, we have an obligation to support the common schools.

The tragedy of Columbine should be understood as a wake-up call--not to abandon the schools, but to roll up our sleeves and get involved. The National Council of Churches is calling on its 35 member communions and the 213,000 parishes it represents to do precisely that. In a policy statement entitled "The Churches and the Public Schools at the Close of the 20th Century," the NCC implores Christians to do at least three things.

First, support equitable funding for poorer school districts. Schools in the predominantly African-American Philadelphia schools, for example, receive \$1,500 less per pupil than surrounding systems. As long as such inequities persist, thousands of America's children will receive substandard educations.

Second, the NCC warns Christians against the siren song of tuition vouchers and similar schemes to divert tax dollars to private and parochial schools. You don't improve the public water supply by investing in Perrier, and you don't improve schools by siphoning off resources. Those who complain that religious schools operate with less per-pupil spending, thereby giving taxpayers more bang for their buck, are comparing apples and oranges. Simply put, public schools are public--open to every child, regardless of race, religion, or economic status. While it is not uncommon for public schools to spend in excess of \$50,000 per year for students with serious disabilities, private schools can be as elitist as they choose to be.

Finally, the NCC urges local congregations to partner with their neighborhood schools. Through mentoring programs, literacy classes, tutoring, before- and after-school care, and the like, religious organizations can provide critical assistance to both schools and their communities. A new set of guidelines cosponsored by the Freedom Forum First Amendment Center, American Jewish Congress, Christian Legal Society, and National Council of Churches outlines how this can be done. (You may obtain a free copy of the new guidelines by logging on to [www.freedomforum.org](http://www.freedomforum.org).)

In conclusion, I must affirm that home schooling is a quintessential parental right that should be preserved and protected. But before parents exercise this right they should ask themselves, "Is it right for my child?" And don't stop there. Ask, "Is it good for America?" And finally, "Is it what God would have me to do?" Except in the rarest of cases, I believe an honest response will lead parents back to the public schools.

I hope so. The future of our life together depends on it.

Oliver Thomas is special counsel to the National Council of Churches and serves as chair of his local board of education.



NOVEMBER / DECEMBER 1999

# The Best Schooling Possible

**BY: RAYMOND MOORE**

Which brings us to American parents' penchant for jettisoning their children when they should still be at the breast or in a high chair or working, playing, and learning with mother at home. The state of the family today is perilous; with child rejection leading regressively to family breakdown, divorce, mixed families, fatherless children, single mothers, early and out-of-wedlock pregnancies, gangdom, abortion, social diseases, depression, violence, and suicide.

Early institutionalization is surely a most pervasive form of child abuse. Americans compete with Sweden and England for the boldest rejection of offspring, like ostriches and turtles that by nature leave their eggs unattended in the sand. Our research findings over the past 25 years, as well as records from the period between the 1600s and the mid-1800s, proves that vision, hearing, brain development, cognition, and sociability demand later ages for formal studies--both at home and in classrooms--and require much more time with parents. And scholars note that older learning ages would save millions of children from learning failure.[1] A glance at the U.S. figures for both child care and nursing homes tells us that in America, as in ancient Greece and Rome, the earlier you institutionalize your children, the earlier they will institutionalize you!

But don't children become more selflessly sociable by associating with their peers? This is hardly the case. Bronfenbrenner found that if children spend more of their time with their peers than their parents through most of their preteen years, they will give the back of their hands to family values and become dependent on their peers. Bronfenbrenner's study has since been replicated by several other reputable studies. He says, "It is not primarily the family, but other institutions in our society, that determine how and with whom children spend their time, and it is these institutions that have created and perpetuate the age-segregated and thereby often amoral or antisocial world in which our children live and grow. Central among the institutions which by their structure and limited concern have encouraged these socially disruptive developments have been our schools."

Yet he has moving words for parents: "The peer-oriented youngster was more influenced by a lack of attention and concern at home than by the attractiveness of the peer group. In general, the peer-oriented children held rather negative views of themselves and the peer group. They also expressed a dim view of their own future. Their parents were rated as lower than those of the adult-oriented children both in the expression of affection and support, and in the exercise of discipline and control. Finally, in contrast to the adult-oriented group, the peer-oriented children report engaging in more antisocial behavior, such as 'doing something illegal,' 'playing hooky,' lying, teasing other children, etc. In summary it would seem that the peer oriented child is more a product of parental disregard than of the attractiveness of the peer group--that he turns to his age-mates less by choice than by default . . . [Today] the shift from parents to peers as the child's major source of information occurs at an earlier time . . . and is much more pronounced . . . Social contagion . . . is already well developed at the preschool level.[2]

The lackluster performances of some public schools is a wake-up call to society. Some school systems have asked the Moore Foundation for our help, since our system has produced standardized test averages nearly 40 points above norms. Recent scores in Idaho, for example, showed classrooms performing at 57 percent overall, and home schools at 87 percent; with math at 88 percent and reading at 89 percent. Yet peer dependency is a far greater threat in both public and church schools than just poor academic results. It is a social cancer that, according to Bronfenbrenner, devours self-worth, optimism for their life goals, respect for parents, and even trust in their peers.[3] The earlier you school your children, the more likely they are to feel that you reject them.

The home-school movement has confronted conventional wisdom and practice. The National Education Association has repeatedly slandered it, without evidence; and other educational associations and local schools have reflected these opinions. Yet courts, legislatures, and the media have been remarkably fair. The main damage to home schooling has come from within the movement: from publishers who may be more interested in dollars than research, by a religious minority who interpret Scripture too narrowly, and by curriculum entrepreneurs catering to a mass education approach to home schooling--commonly called "school at home"--instead of accommodating parents who prefer to tailor materials to children's interests and abilities.

The Moore home-schooling program took precautions at the outset, and we have fared well. Our research was held to rigid criteria laid down by top child development and learning experts. Thirty-five university authors have requested chapters for their child development books, and research colleagues are remarkably supportive of our child readiness findings.

Many fine schoolteachers in America's public and church school systems are frustrated trying to cope honestly with educational policies that defy replicable research. For 23 years the National Education Association has urged school entrance as low as age 3, in spite of conclusions from Stanford, Berkeley, Columbia, and Cornell that suggest ages of 10 to 14, or "junior high school," are early enough for

class studies. And it fosters programs that take even more of a child's time from their family. As in-house consultant at the NEA for the American Association of Colleges for Teacher Education, I found teaching staff ignoring its own research division. They endorsed rote homework, even though it was condemned by its own researchers, who insisted instead on more teacher responses and supervised study. Yet in John Goodlad's study of 1,016 U.S. elementary and secondary schools, the average teacher spent a total of only seven minutes daily in personal responses for all of his/her students--a few seconds per student.[4] And homework usually intrudes on family closeness, industry, and service.

Clearly, TV, vision-tiring and passive video, rivalry-sport excitement, sugar snacks and drinks, irregular meals and rest hours, along with premature births, are among factors that contribute to hyperactivity and so-called learning disability, but more than nine of 10 cases involve lack of warm parental responsiveness. Yet many parents, teachers, physicians, and psychologists treat symptoms more than causes. Within a generation or so their diagnoses may come true as they drive the kids to drugs via Ritalin and other substances that may in their offspring predict genetically driven, authentic LD/ADHD.

Males are uniquely vulnerable. Typically late-blooming, boys mature in their late teens unless they have warm, responsive homes before adolescence. They go to school at the same age as girls, and must take the same work, although they are a year or so behind them in maturity. So with no concern for research, states find 13 boys to every girl in remedial classes.[5] They are labeled "learning-disabled," but are in fact usually learning-delayed. Bright as the girls, alert to peer ridicule, and sensing rejection by parents and teachers, they must find family. Indeed they find it: in gangs, alcohol, drugs, sex, violence, and suicide. (Did you ever hear of Columbine?)

But girls aren't entirely exempt from the problems of conventional schooling practices. At a Palm Springs school meeting, a grieving mother told us how fellow Christians pressured her to send her virtuous daughter to public school to share her "light and salt" with amoral peers. "So," she concluded, "we sent her to help them." She added tearfully, "And they put out her light." The reality of a moral danger cannot, of course, in itself be used to justify a divide between religious and secular families. Christ had strong words for exclusivist Pharisees.

Discipline is increasingly a puzzle, but does not need to be. Your example is the best teacher. Yet you can't do much about it if you are not near your children most of the time! This is not to condemn working mothers; but children should be given highest priority if there is any choice to make. You, your warmth, and your example make up your greatest power to meet their behavioral needs. Any society that has flaunted this principle by separating children from their parents--ancient Greece, Rome, et al.--has collapsed. Few parents realize that the busy child, helping and making money at home, will seldom be the troubled child. They are working with you![6]

Old-fashioned chores and home businesses, and altruistic service at every opportunity, work wonders in child development. Over the past century we have moved our families to the cities; we have deserted the woodpile and the gardens that kept us alive mentally, spiritually, and physically, and substituted rivalry sports and amusements that have little to offer. California's Regional Occupation Programs address this void by providing half-day jobs for high school students who, year after year, come up with the highest average grades in the state. They are developing model behavior and a sense of self-worth. Home schools have widely adopted this format, often through a home business.

Boys are especially at risk in society's move away from home schools or family-like, age-integrated one-room schoolhouses, where they enrolled around ages 8 to 14, to today's big schools, where some go while still in diapers. Harvard's late president James Bryant Conant designed the big schools with their busing systems as "educational parks," but grieved as he saw them turn into educational ghettos.

Yet parents overwhelmingly assume that kids are best socialized en masse- the more the merrier--unaware that larger numbers bring fewer worthwhile relationships. For top obedience training, would you send your favorite puppy to the local pound in a yellow cage with red-flashing rear lights? Or would you prefer to teach obedience and character development by example at home?

Which brings us back to American parents' penchant for jettisoning their kids when they still should be at the breast or in a high chair at home. The family today is in trouble, with child rejection leading regressively to family breakdown, divorce, mixed families, fatherless children, single mothers, early and out-of-wedlock pregnancies, abortion, social diseases, depression, violence and suicide. Happily, millions of parents are returning home to make motherhood and fatherhood prime professions. Many are finding that kids' warmest security blanket and fruition of their needs is a complete family.

Now numbering in the millions, home-schooling parents and children are returning the U.S. to the educational excellence and high literacy of America's early centuries. And many classroom families are picking up the idea and spending more time with their kids at home: eating, talking, reading, working, and living together joyously as they haven't done for years.

This trend is seen in states from Alaska to North Carolina that have compared home-taught students with those publicly schooled. Universities such as Cornell, Harvard, Johns Hopkins, Yale, and Stanford award scholarships out of proportion to home-schooling numbers

## The Moore Formula

The Moore Formula has set the pace for the home-school movement in achievement, scholarships, and overall behavior and maturity simply by following the genius of Scripture, history, research, and common sense.

Among recent study-work-service students is Alabama home-schooler David Eidsmoe, one of America's 34 Civil Air Patrol cadet colonels, who turned down a National Merit Scholarship to enter the Air Force Academy.

Washington State's Shannon Reiswig began his work program at age 4, picking up prunings in the family orchard. He bought a neighbor's cherry orchard from his savings at 10, and at 21 is an expert agronomist, mechanic, and packinghouse computer and maintenance man, with personal assets in six figures. He big-brothers neighborhood kids in southwestern Wenatchee.

Alaska's Barnaby Marsh at 6 helped restore injured birds for the Forestry Service at Denali, Alaska. He then spent three summers as a Smithsonian intern, chosen from 500 applicants. At 19 he left Harvard to take a scholarship at Cornell in ornithology, an area in which he is now a world leader. After graduation, he returned to Oxford on a Rhodes Scholarship.

Joe Harrington was the fifth of 11 children who worked with their parents, Kevin and Kirstin, making tofu and growing sprouts. Joe began at 13 to transform the gold-refining process at Simplot, Idaho's largest agricultural and industrial complex, and increased gold-retrieval per ton of ore by 300 percent. He and his college-age siblings have all received major university scholarships. The three youngest Harringtons are continuing to thrive on the same track under dad's teaching.

These results vindicate the logic of making sure that children are ready before putting them under pressure. (See Raymond S. Moore, *Better Late Than Early*, first published by Reader's Digest, and *School Can Wait II*, both available from Moore Foundation, P.O. Box 1, Camas, WA 98607.) We make sure of balanced self-worth and character combinations of (1) study, centered on children's interests and taught on a project basis with full attention to the best in math, science, language, etc., (2) manual skill building work that teaches how to earn a living, and (3) selfless service in community and home. Children become officers and managers of household businesses at early ages, equating authority and freedom with honesty and dependability as they grow, learn, and save. Their entrepreneur and service work builds powerful altruistic sociality.

The need is truer today than when the program was featured in Harper's Magazine and Reader's Digest 27 years ago (July and October 1972, respectively). America is well down the primrose path as a child-abusing, criminal-breeding nation whose people and institutions promote and accommodate a state's in loco parentis ambitions via schools and family "services," bound for certain societal collapse. Whatever your position on day-care, early schooling, rote homework, working women, sexual license, homosexuality, abortion, or other family issues, remember that if you would preserve society and the human race, some factors are not negotiable. Above all, kids need warm steady adults, with plenty of creative manual work and selfless home and community service. This can be accomplished with greatest success when modeled by and with you, not the state.

Thankfully, the old American home school is awakening millions of women to the beauty of motherhood, and men to the accountability of fatherhood at their sides. Home schoolers find that kids' warmest security blanket is the complete family. Professionally oriented mothers willingly return to the greatest profession of all--mothering.

## ENDNOTES

[1].See W. D. Rohwer, *Harvard Education Review*, 1971; Meredith Robinson, *Stanford Research Institute*, 1975; Urie Bronfenbrenner, *Two Worlds of Childhood*, (Simon and Schuster,1970); L. Benezet, *Columbia University Dissertation*; Anne. K. Soderman, *Education Week*, March 1984, pp. 19, 20.

[2].Bronfenbrenner, p. 152.

[3].Ibid., pp. 101, 102.

[4].Phi Delta Kappan, March 1983.

[5].Soderman, pp. 19, 20.

[6].Raymond S. and Dorothy N. Moore, *Minding Your Own Business*, (Thomas Nelson; now published by Moore Foundation P.O. Box 1, Camas, WA 98671).

---

Box

Royal Secrets

The Japanese imperial family taught us something about children's deepest needs when we lived there in the 1950s. Our teacher was Emperor Hirohito's oldest brother, Prince Takamatsu, who told us the story of an imperial home school. Visiting to dedicate our college's administration building, the prince and his lovely princess relaxed in our living room, while my wife, Dorothy, and her helpers put the last touches to lunch. The prince sat on our old-style tapestry-sheathed divan with arms around Dennis, 8, and Kathleen, 4. His wife nodded from a matching side chair as he told two little Americans how emperors are made: manners, language, integrity, promptness, dependability, work, and service.

The method was simple, but we knew it was effective. It met fully the needs of Crown Prince Akihito, now Japan's emperor, in achievement, behavior, character, and all the other ABC's of rearing great kids. It agreed with the latest child-development research and matched perfectly the biblical prescription for developing uncommon genius and leadership: (a) warm, responsive parents and other adults, (b) virtual isolation from children outside the family, and (c) much freedom to explore their own legitimate interests within the bounds of wholesome learning.

The imperial ABC's included such wholesome A's as affection, appreciation, attitude, and attention. The B's marked a balance between work and play, responsibility and freedom, and service and recreation. And C clearly stood for character as clearly as the needle to the pole. Add teachability, thoughtfulness, and purity of language and habits, and you are truly in the royal line. It is just as easy to say "Yes, sir" or "Pardon me" as "Yeah" and "Uh-huh." Akihito was taught to be a royal model to all children and adults of the nation, to epitomize their needs, whether or not he embodied their wants. The young prince was never allowed to forget his duty to his fellow citizens.

History confirms that in all truly great societies family closeness is the key. Some have wondered how the Russian family survived for 70 years under Communism. Cornell's eminent family specialist Urie Bronfenbrenner found that Russian families demonstrate more family affection than Americans. In Shinto-Buddhist Japan, the imperial couple kept Akihito-san near them until he was well into his teens. The young prince learned at his mother's knee and from other adults in the palace. He worked with his father in his famed botanical laboratory in a royal work-study-service program. He was an unusually mature youth, with the reasonability, perception, and judgment of a well-balanced adult before he entered his teen years, a common characteristic of youth who are reared close to home. He was a credit both to his parents and to officials of the palace. Is that possible for Western civilization today?

Let me contrast and confirm the principles of child training and education.

In 1976 I received a letter from the secretary to Her Serene Highness Grace of Monaco. She had read our research-based Reader's Digest book *Better Late Than Early* about early schooling and was inviting me to visit her the next time I was in Europe. I did visit some time later. As we talked alone in the palace garden, I was moved by the personal confirmation of the message of our book by this icon of femininity. She had read the book well. After alluding briefly to her children, whom she loved dearly, her eyes began watering, and as an American to an American she said tenderly, "I have spent my years with the Red Cross . . . I did not know . . . If only I could have them over again, how I wish . . . I would spend my time with my children." In the absence of the maternal watch, her youngsters had become captives of their peers. Princess Grace did not know until too late what it meant to be born to the palace.

Raymond Moore is the grandfather of the home-schooling renaissance and a world pioneer in teacher-student work-study programs. He shares parenthood honors with Dorothy, his wife of 61 years, a son, a daughter, and seven "special kids."

For information on the Moore Formula or the Moore Academy write P.O. Box 1, Camas, WA 98607; call 360-835-5500; e-mail [moorefnd@pacifier.com](mailto:moorefnd@pacifier.com); or visit the website [www.moorefoundation.com](http://www.moorefoundation.com).

NOVEMBER / DECEMBER 1999

# Which Judeo-Christian Tradition?

**BY: MARK MEYER**

Many of those who believe the government should take on the task of promoting Christian morality are focusing their attention on the public schools. And why not, one might ask, since schools are plagued by crime and drugs. Seemingly only an atheistic killjoy could take pleasure in squelching an innocent public prayer in school. The few church-state separation purists who support the prayer ban are being overwhelmed by the majority sentiment that public prayer would reverse the moral drift of the country. To most people, abstract constitutional arguments for prohibiting public school prayer seem an inadequate response to the terror of Night Trap videos and school shootings. When so much is allowed, the argument runs, why should public school prayer be disallowed?

In fact, opposing public prayer seems almost equated by some as opposing the "Judeo-Christian tradition." And that makes as much political sense as speaking out against mom's apple pie. Dan Quayle might have been ridiculed for his Murphy Brown speech way back in 1992, but his defense of the Judeo Christian tradition in the speech has been adopted by Republicans and Democrats alike. Quayle, calling for more public expressions of religious faith, said, "The time has come to renew our public commitment to our Judeo-Christian values--in our churches and synagogues, our civic organizations and our schools. We are, as our children recite each morning, 'one nation under God.' That's a useful framework for acknowledging a duty and an authority higher than our own pleasures and personal ambitions." [1]

Until quite recently the Democratic Party was not particularly responsive to Quayle's argument. In 1984 the platform of Democrat Walter Mondale contained a strong endorsement of the Supreme Court decisions that upheld the "principles of religious liberty, religious tolerance and church/state separation" and pledged to "resist all efforts to weaken those decisions." [2] Mondale, in opposing government-sponsored silent prayer in public schools, explained, "As a preacher's kid, I was taught that religion is a personal and family matter in which the state has no place. I do not oppose prayer by children anywhere....I simply do not want the state to determine if, when, and how we should pray, and what we should say--if anything." [3]

How the political climate has changed since 1984! Crime is now an urgent priority with the public, and there is a growing consensus that a larger public role for religion is part of the solution. Reversing the ban on public school prayer would certainly send a clear signal that religion should be part of public life. It is a signal that many, in both parties, now seem determined to send.

Bill Clinton has made a point of responding to these calls for change. In a rare public commentary on the school prayer issue at an electronic town hall in Charlotte, Clinton clarified his position: "I agree with the original Supreme Court decision [Engel v. Vitale which banned public school-sponsored prayer]....Now, it's been carried to such an extent now where they say, some people have said you can't have a prayer at a graduation exercise. I personally didn't agree with that. Why? Because if you're praying at a graduation exercise or a sporting event, it's a big open-air thing, and no one's being coerced. I'm just telling you what my personal opinion is. I can't rewrite the Supreme Court decisions." [4]

Then, at a press conference in Jakarta, Indonesia, when he was asked about calls by Republicans for a constitutional amendment restoring prayer in public schools, Clinton replied: "I personally did not believe that it was coercive to have a prayer at an outdoor sporting event or at a graduation event because I don't believe that is coercive to people who don't participate in it. So I think there is room for that." He then tried to muffle the bombshell he had dropped: "Obviously, I want to reserve judgment. I want to see the specifics...I want to see what the details are. I certainly wouldn't rule it out. It depends on what it says."

The front-page headline of the next day's Washington Post bore the unlikely news: "Clinton: 'There is room' to pray in public school." The headline prompted damage control by White House aides. They said that Clinton was not supporting the amendment approach but rather some other way to allow for public prayer in tax-supported schools. A moment of silent prayer was being considered by the White House Counsel's office as a stratagem that might be accepted by the Supreme Court and conservatives alike. [5] Clinton was again looking for the elusive middle ground.

Clinton's change in emphasis underscores that the Republicans have identified a core issue. With bipartisan acceptance of Quayle's reasoning, the decisions by the Supreme Court in the 1960s regarding school prayer are being seriously questioned. The prayer ban nevertheless remains in effect, until and unless the law is changed.

Change might not be an improvement. A close look at the Engel v. Vitale decision reveals a subtle and sympathetic understanding of constitutional and Judeo-Christian thought on the proper relationship between the church and the state.

The 1962 *Engel v. Vitale* decision was written by Justice Hugo Black. His central theme was that an honest reading of the American Judeo-Christian tradition, as well as American legal precedent, demands separation of the church and the state and prohibits public school prayer led by taxpayer supported teachers or officials. (Private voluntary prayer by students or staff has always been, and is now, protected by the Constitution's protection of freedom of religion.) Black maintained that this separation would be to the benefit of both the state and the church: "Its [the establishment clause's] first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect, and even contempt of those who held contrary beliefs. That same history showed that many people had lost their respect for any religion that had relied upon the support of government to spread its faith." [6]

In his decision Black was aligning himself with a Judeo-Christian tradition that goes all the way back to Colonial times. Black wrote of Roger Williams, Colonial governor of Rhode Island and a Christian advocate of church-state separation, "To Williams, it was no part of the business or competence of a civil magistrate to interfere in religious matters." [7] Responding to the Puritan advocates of government-sponsored religion, Williams argued that the church would prosper if it looked to God alone for its strength, and not to the government. The government, Williams said, had been entrusted with power by the people for two simple purposes: to protect their persons; and to protect their goods. Since the people had not entrusted government with the responsibility to protect their souls, it was no part of the state to be in any way involved with religion. [8]

In that same decision, Black refers also to Jefferson and Madison, the two Founders who led out in the advocacy of church-state separation. Both of them accepted the basic premise of Williams' argument: that government has no role in the promotion of religion.

Madison, who studied theology at Princeton University and retained a belief in God throughout his life, believed that the Christian religion does not need the support of the state: "It is known that this religion [Christianity] both existed and flourished, not only without the support of human laws, but in spite of every opposition from them; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence...a religion not invented by human policy must have pre-existed and been supported before it was established by human policy." [9]

Like Madison, Jefferson believed the best way to support Christianity was to keep the government separate from it. Jefferson opposed the establishment of a professorship of divinity at the University of Virginia. He argued against taxpayer-supported religion before the Virginia legislature, noting "the constitutional reasons against a public establishment of any religious instruction." [10] Jefferson's extension of the establishment clause to public education lays a firm precedent for Black's 1962 prohibition of public school prayer.

It is a gross oversimplification then to blame the school prayer ban on "secular humanism" or "godless atheism." Rather than being another manifestation of the bizarre amorality of the sixties, Black's 1962 decision drew on a line of American thought that runs steadily from the early seventeenth century, through the period of the Founders and into the present day by numerous rulings of the Supreme Court.

What then is the Judeo-Christian tradition that Dan Quayle so famously referred to in his Murphy Brown speech--the tradition that supposedly allows government to play a large role in religion? Dissenting from the *Lee v. Weisman* decision, the 1992 ruling that affirmed the unconstitutionality of prayer at graduation ceremonies, Justice Antonin Scalia referred to this tradition: "In holding that the establishment clause prohibits invocations and benedictions at public school graduation ceremonies, the Court--with nary a mention that it is doing so--lays waste a tradition that is as old as public school graduation ceremonies themselves, and that is a component of an even more longstanding American tradition of nonsectarian prayer to God at public celebrations generally." [11] Scalia then gives examples of public supplications to the Divine Being by Presidents Washington, Jefferson, Madison, and, in modern times, George Bush.

The tradition that Scalia refers to is real. It is part of what has been called America's "civil religion," reflected for example in the mention of God in the Pledge of Allegiance and in the phrase "In God We Trust" on American currency. Bill Clinton, for example, was certainly tapping into this tradition when he proclaimed Thursday, May 5, 1994, a National Day of Prayer.

How can this civil religion be reconciled with church-state separation? Perhaps the question is clarified by making a distinction between America's head and its heart. From the point of view of logic and law, the tradition of church-state separation has volumes of constitutional and legal precedent, much of it written by Christians. Yet even the most ardent defenders of church-state separation can't resist mentioning the Divine Being when they become president. Madison, in spite of his reference to the "Almighty Being" in a public speech, was a staunch defender of church-state separation. So much so that he objected to chaplains in the United States Senate. Jefferson, who in Scalia's citation refers to that "Being in whose hands we are," would surely be surprised to find himself now quoted as an advocate of taxpayer-supported religion in public schools. American presidents may feel compelled to call for divinity's aid in the carrying out of their responsibilities, but that does not negate the substantial tradition of church-state separation cited by Justice Black in the school prayer ban.

Madison is just one among many prominent American Christians who have legislated and worked to maintain the separation of church and state. It is therefore ironic that today the strongest impetus for the school prayer movement is coming from Christians themselves. Even in 1962, when *Engel v. Vitale* was decided, many Christians believed with Roger Williams that separation of church and state would be the best way to promote Christianity. Now this view is anathema to a large block of Christians. Few Christians today seem aware of the long tradition of church-state separation that Justice Black referred to in *Engel v. Vitale*.

Yet the reality is that not all followers of the Judeo-Christian tradition support public school prayer. Many Seventh-day Adventists, for example, who have historically supported church-state separation, would oppose a reversal by the Court. In addition, Jews who are aware of the dangers of a "Christian nation" are troubled by any connection between government and Christianity. Significantly, Pat Robertson, a prominent Christian leader in the movement for church-state union, has tried to appeal to some of these believers with little to gain from a strengthening of America's civil religion: "Protestants, Catholics, Mormons, Seventh-day Adventists, and Orthodox Jews, for example, may disagree on some important theological issues. Yet on certain important political issues they see eye-to-eye; therefore, where they agree they must unite so that together they can achieve their mutual goals with greater unanimity, force, and effectiveness."<sup>[12]</sup>

Robertson and other advocates of a close relationship between church and state are not likely to achieve unanimity on the school prayer question, even within the Judeo-Christian community. Too many Christians and Jews are aware of the long Judeo-Christian tradition of church-state separation in America. When these believers hear calls for a return to the Judeo-Christian tradition, they reflect for a moment and wonder, Which one?

Mark Meyer is a freelance writer living in Martinsburg, West Virginia.

#### ENDNOTES

[1]1 Dan Quayle, in a speech delivered at the Commonwealth Club of California, San Francisco, California, May 19, 1992

[2]2 1984 Democratic Platform, quoted in *Christianity Today*, Oct. 19, 1984, p. 34.

[3]3 *Ibid.*, p. 34.

[4]4 Remarks by President Clinton in "Evening With the President," Apr. 5, 1994.

[5]5 *Washington Post*, Nov. 16 and 17, 1994.

[6]6 *Engel v. Vitale*, 82 S. Ct. 1267 (1962).

[7]7 *Ibid.*, p. 1269.

[8]8 Edmund S. Morgan, *Roger Williams: The Church and the State* (Harcourt, Brace and World, New York: 1967), p. 119.

[9]9 James Madison, *In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers*, ed. Norman Cousins (New York: Harper and Bros., 1958), p. 311.

[10]10 Thomas Jefferson, *In God We Trust*, p. 164.

[11]11 *Lee v. Weisman*, 112 S. Ct. 2679 (1992).

[12]12 Pat Robertson, *The Turning Tide: The Fall of Liberalism and the Rise of Common Sense* (Dallas: Word Publishing, 1993), p. 283.

NOVEMBER / DECEMBER 2009

# Separation Of Church And State Is Not Just For Liberals . . .

**BY: BARRY HANKINS**

Parker has been billed as a converted and reformed welfare mother who has become a fiery orator for conservative Christian political causes. Given her newness to the political fray, perhaps she could be forgiven for not knowing the history of church state separation and the value inherent in this arrangement for protecting the liberty of all religious groups, including those in the Christian Right. But how could one explain the presence of the Reverend Richard John Neuhaus on that same program with Parker? Neuhaus is a highly intelligent and educated Catholic priest, author of several important books, and editor of *First Things*, a journal offering significant cultural commentary. Surely he cannot despise the separation of church and state the same way that Parker appears to. Perhaps not, given that he was quoted as saying merely that the separation of church and state has been "grotesquely distorted." However arguable this comment, it is quite different from the outright rejection of the principle of separation touted by many Christian political activists these days.[2]

While there have always been individuals and groups who reject the concept of separation of church and state, the mainstreaming of this view is a new phenomenon. As recently as the early 1980s Jerry Falwell insisted repeatedly that he believed in the separation of church and state.[3] Such a profession was necessary if he and his Moral Majority were going to participate fully in American politics. Yes, his critics may have questioned his understanding of church-state issues, given that his views were so different from theirs, but whatever he meant by the phrase "separation of church and state," he evidently felt compelled to use it. Falwell's situation was akin to that of the 1950s and 1960s when left-wing political activists found it necessary to say that they really were good Democrats and not communists. In other words, separation of church and state was akin to mom, baseball, and apple pie--so thoroughly American that even those seeking significant changes in church-state law started by professing their allegiance to the ideal.

As that Christian Coalition rally illustrates, we have come a long way since the 1980s. Now many conservative Christian activists of both Protestant and Catholic persuasions routinely reject the separation of church and state, often using very strong language to do so. W. A. Criswell, longtime pastor of First Baptist Church in Dallas, may have been one of the earliest to pioneer this transformation from pro- to antiseperation. He supported separation in the early sixties, especially when a Catholic was running for the presidency. Then in the mid-eighties he told CBS News, "I believe this notion of the separation of church and state was the figment of some infidel's imagination." [4]

Pat Robertson has gone even further, stating repeatedly from the 1980s on that since the words "separation of church and state" are not in the U.S. Constitution, but were in the constitution of the Soviet Union, church-state separation was obviously an atheistic, Communist idea.[5]

Conversely, after the collapse of the U.S.S.R., conservative Presbyterian pastor and Christian Right spokesperson D. James Kennedy claimed that Russia had gained complete religious liberty while the United States had lost it. He attributed this perceived decline in religious liberty in America to the separation of church and state, turning on its head the standard historical and constitutional argument that religious liberty and separation of church and state are mutually dependent.[6]

Close observers of this phenomenon will know that arguably the most prolific and effective proponent of the antiseperationist view is David Barton, the former math teacher and high school principal who founded Wall Builders, headquartered in Aledo, Texas. Barton barnstorms the country with high tech slide-show presentations purporting to prove that the founders intended to establish a nation that gave preference to Christianity. He has written the aptly titled *The Myth of Separation*. In all his books, tapes, and public addresses, Barton relies heavily on selected quotations from America's founders. Recently Robert Alley, professor emeritus at Richmond University and an expert on James Madison, questioned a Barton quote attributed to Madison. When Alley's research revealed that Madison had probably never uttered the remark in question, Barton retracted it. In an astounding move, Barton also issued a published retraction of 11 other quotes, listing 10 as questionable and two, including the Madison quote, as false.[7] However, the flap does not seem to have slowed Barton's juggernaut.

The ultimate sign of the mainstreaming of this rejection of separation of church and state, or at least of the proverbial "wall of separation," came in the *Wallace v. Jaffree* (1985) Supreme Court decision. With the majority overturning Alabama's "moment of silence" legislation for public schools, associate justice William Rehnquist wrote in dissent, "The 'wall of separation between church and state' is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly



abandoned." [8] Given that Rehnquist is now chief justice, those who reject separation clearly have an ally in one of the highest offices in the American political system.

All these spokespersons, and many others as well, share in common a deep suspicion of separation of church and state. There is developing a fairly standard belief that separation is only for those who are comfortable with secular liberalism. Those ascribing to this position seem to believe that people of faith should pursue some other constitutional arrangement. This suspicion is somewhat understandable given that separation of church and state is so often articulated and defended in the individualist language of the secular Enlightenment. The entire rights argument in America, as articulated by the left, usually begins with reference to the autonomous individual and his or her rights of conscience.

For most of American history, evangelicals from Anabaptist, holiness, and even some Calvinist backgrounds have accepted a tacit and limited alliance with the Enlightenment on the issue of religious liberty. Lately, however, the cost of this alliance has appeared to be too high. For many evangelical Protestants and conservative Catholics, the phrase "individual rights" now stands for an excessive individualism, where people are free from all constraints and may believe anything they want and do anything they want so long as it does not hurt anyone else. For many traditional believers "secular humanism" or just "liberal" are used as pejorative catch-all words for this worldview. The resulting belief is that, therefore, separation of church and state is for liberals only.

Separation of church and state, however, does not need to be defended in this way. The secular Enlightenment articulation was neither the first nor the only way of defending separation, and there is some real doubt as to whether it is the best defense, especially for Christians. Following are two brief examples of Christian defenses of separation of church and state. Neither finds its genesis in the concept of individual rights. Rather, both cohere around the idea that God has ordained the church and the state for different functions.

At this juncture most Christian arguments for separation usually turn to Roger Williams. Having lived prior to the Enlightenment of the eighteenth century, he obviously could not have been influenced by that movement. But rather than relying on this familiar and very worthy religious liberty advocate, we might be better off to analyze briefly John Locke, the figure most closely associated with the Enlightenment. Locke is often considered the "father of the Enlightenment" or the "apostle of reason," but recently scholars are reemphasizing the religious side to Locke's thinking that seems to have been downgraded, if not forgotten. Evangelical Christian philosopher Nicholas Wolterstorff puts it this way: "Our common practice of treating the seventeenth- and eighteenth-century European philosophers as if they were secular philosophers does most of them a very ill turn." [9] Whatever the implications of Locke's thought for the development of secular ways of thinking, and there certainly are some, his own views cannot be separated from his deep commitment to a Christian faith that, as Locke scholar Samuel Pearson puts it, "rested on historic revelation." [10] Even John Wesley recommended Locke for study, something highly unlikely unless Wesley had a fair degree of confidence in Locke's theological orthodoxy and Christian commitment. [11]

What concerns us here is Locke's argument for religious toleration and separation of church and state, made in his famous Letter Concerning Toleration. While he certainly makes an appeal to reason in this brief pamphlet, he does not draw exclusively or even primarily on individual rights. Rather, he analyzes institutions, arguing that the Bible neither gives the power of the sword to the church nor the power over religious faith to the state.

Locke posed a hypothetical situation in which there are two churches in the Ottoman Turkish Empire, one Calvinist and one Arminian, each claiming that it is right. Which one should have the authority to impose its theology and deny rights to the other? Someone might well say "the orthodox one," but this will not do, writes Locke, because every church is orthodox unto itself. Should the state decide which church is correct? Obviously this would be impossible, since the Ottoman ruler was Muslim, known as the "infidel" in Locke's day. How could a Muslim be competent to evaluate Christian theology? But it would not matter if the ruler were Christian, Locke argued, because governments are always incompetent to judge religion. God did not give them that prerogative, and they do not possess the necessary expertise. A government leader may be a Christian, but as an official of the state he or she has not been bestowed by God with power over faith. [12]

Locke also turned this argument around. Not only is the state without authority to settle theological disputes; churches cannot receive more power than they already have by aligning with the government. The church's authority comes from God and cannot be augmented by the state. Whether the ruler be Christian or non-Christian makes no difference. The ruler simply does not possess the God-given right to convey authority or power onto the church. In this respect, Locke points out that churches tend to be tolerant until they get the power of government at their backs, then "peace and charity" are laid aside and the churches tend to engage in un-Christian practices. [13] Although Locke does not say it outright, the implication is that when the church seeks support from the state, whether financial or otherwise, it stoops to an illegitimate source of authority and thereby hurts itself spiritually. For Locke, the entire church-state question was as much a theological matter having to do with God's created order for earthly institutions as it was an issue of the right of individuals to be left free to do as they please. God had created the state to do some things and the churches to do others. "He jumbles Heaven and Earth together," wrote Locke, "who mixes these two societies." [14]

It is widely acknowledged that the churches of Europe that do draw support from the state have done very poorly in the past few

centuries. Church attendance is extremely low by comparison to the United States, and there is widespread sentiment that these churches are part of an elite established order that has nothing to offer common people. In other words, the same sort of antiestablishment sentiment exhibited by Americans toward government is exerted by Europeans against both government and the established churches. In addition to this historical-cultural argument, Christians may want to consider another possibility. Suppose that the churches of Europe have also suffered because in relying on the state's power, they have largely forfeited the power of the Holy Spirit. Of course, this could never be documented conclusively through the normal methods of historical investigation, and I include this suggestion here merely as something worth pondering. Nevertheless, the argument seems at the least reasonable. Moreover, given Locke's concern that church and state abide by biblically established precepts, it may not be going too far to suggest that this spiritual interpretation for the decline of modern European churches is consistent with his belief that churches cannot be empowered by government. If the authority and power of churches could be augmented by the state, European state churches would be authoritative and powerful today. In fact, they are neither.

Someone may well point out that Locke would certainly not be considered an evangelical today, that he was at best ambivalent on the doctrine of the trinity and too insistent that religion had to be reasonable. But more important to the issue, he was principally concerned that churches and states do what God intended them to do, and this seems a view that traditional believers in the twentieth century can share.

One in particular who did share Locke's concern for the church was the evangelical J. Gresham Machen. Machen was the most erudite defender of conservative Protestant orthodoxy on the fundamentalist side of the fundamentalist-modernist controversy within American religious institutions during the first quarter or so of this century. For his conservative stand he was forced out of Princeton Seminary, whereupon he founded Westminster Seminary in Philadelphia and eventually the Orthodox Presbyterian Church, both of which stand to this day as small but significant bulwarks of conservative, confessional evangelicalism.

Embedded in the fundamentalist-modernist controversy was the question of the relationship of the church to culture. The liberals (then known as modernists) believed that the church should be broad enough to encompass all of American culture. When intellectual currents changed as a result of evolutionary thought and modern biblical criticism, they attempted to adjust Protestant theology in order to keep it relevant to society. They desired to continue the sort of Protestant cultural dominance that had existed in the nineteenth century, and to do this they conceived of Christianity as an inclusive religion. Machen countered in 1923 with his most famous book *Christianity and Liberalism*, in which he argued that the liberals had adjusted Christianity so much that they had essentially created another religion. So compelling was this work that secular commentators such as H. L. Mencken and Walter Lippmann wrote that Machen had the better argument.[15]

Machen believed that Christianity was narrow and exclusive, that it had particular teachings that should be defended. He was most concerned that the Presbyterian Church retain its historical integrity by remaining true to the Bible and to the creeds on which it was founded. The church's mission was not to embrace and encompass American culture but to defend Christian orthodoxy and usher people into a right relationship with God. To do this, the church needed to be as free from cultural influences as was possible, and this is where Machen's church-state views came into play. Although a fundamentalist in his own time, Machen opposed prayer, Bible reading, and character education in public schools, and he did not oppose the teaching of evolution. Such attempts to moralize and Christianize the social order, believed Machen, required that believers find the lowest common denominator in religion. Simply put, he was not interested in lowest common denominators but rather sought to defend the principles of the Christian faith that made it unique. He knew that to the extent that Christians joined the effort to embrace culture, even in an effort to Christianize it, they would likely dilute their faith. As Machen biographer Darrell Hart puts it: "The admixture of public and religious interests was objectionable to Machen not just because it threatened the free exercise of religion but also because it corrupted belief itself." [16]

As startling as it is that a fundamentalist such as Machen would support separation of church and state, it is even more surprising that he would do this as an orthodox Calvinist pledged to the Westminster Confession. The John Calvin of popular thought and survey history textbooks is remembered for the attempt to fuse church and state in the city of Geneva and for the burning of the arch-heretic Michael Servetus. However lacking in nuance and subtlety, this caricature does at least point out aptly that Calvin was no separationist. He did, however, believe strongly in the independence of the church. In Geneva the church had tremendous influence over what the state did, but the state could not interfere in the workings of the church. Calvin insisted on this and fought a decade-long battle against an opposition party that wanted the state to have the authority to require churches to excommunicate heretics. What Machen seems to have recognized is how much the cultural situation had changed since Calvin's day. When nearly everyone in town was a Calvinist Protestant, the church could embrace the society without losing its Calvinist character. When the scene shifted to a pluralistic twentieth-century America, however, the church would have to broaden itself considerably in order to encompass its culture. Machen recognized that in order to maintain the church's autonomy and integrity, efforts to Christianize the whole society would have to be jettisoned. He was comfortable with pluralism, therefore, because this allowed the church to take its proper place in society. As merely one institution in a pluralistic culture, it was freed from the responsibility of having to speak for many and could instead concentrate on being the pure and prophetic voice of the one true God. A Protestantism broad enough to include the great majority of Americans required that the church forfeit its exclusive nature and its unique call.

Although Machen was the most important scholar of evangelicalism in his own time, his position seems lost on many of the late twentieth-century heirs of early fundamentalism. In the wake of the Religious Right of the 1980s and the Christian Right of the nineties, many often quite naturally associate evangelical politics with the desire to have organized prayer and Bible reading in public schools, tuition tax credits and vouchers for private Christian schools, and many other forms of governmental support for religion. The desire for the state to accommodate the churches in this way will undoubtedly require that the churches in turn accommodate the culture. The inherent danger is that the churches will become fine social institutions with theological ideas and religious practices broad enough to include practically anyone. As such, they will have lost their distinctive character and their prophetic edge.

Those present at the 1996 Christian Coalition Road to Victory Conference apparently believed that one of the most important first steps toward re-Christianizing American culture is to end the separation of church and state. They evidently believed no harm will come to the churches if their efforts succeed. If Machen was correct, however, it is unlikely that a church can dominate culture and remain truly the church. American culture is simply too pluralistic. Only a broad, inclusive, and bland civil religion could be comprehensive enough to encompass a cross section of the American population. If Locke was correct, when churches seek to enhance their authority by advocating state accommodation of religion, they stoop to a lower level of power and authority than Scripture has authorized and the Holy Spirit made available. American Christians may have to choose between, on the one hand, weak and theologically bland churches that are accommodated by the state and highly relevant to culture, and, on the other hand, strong and prophetic churches that stand against culture and are separated from the state.

Barry Hankins is associate director of the J. M. Dawson Institute of Church State Studies at Baylor University, Waco, Texas.

---

## ENDNOTES

- [1]. "Christian Coalition Speakers Attack Church-State Separation," *Church and State*, October 1996, p. 7.
- [2]. *Ibid.*
- [3]. Jerry Falwell, Ed Dobson, and Ed Hindson, *The Fundamentalist Phenomenon: The Resurgence of Conservative Christianity* (Garden City, N.Y.: Doubleday-Galilee, 1981), p. 189. In a five-point list of "how the Moral Majority stands on today's vital issues," Falwell and the other two authors cited as number one, "We believe in the separation of Church and State."
- [4]. Richard Pierard, "Civil Religion: A Case Study Showing How Some Baptists Went Astray on the Separation of Church and State," *Christian Ethics Today* 2, No. 4 (November 1996): 4.
- [5]. Rob Boston, *The Most Dangerous Man in America? Pat Robertson and the Rise of the Christian Coalition* (Amherst, N.Y. : Prometheus Books, 1996), p. 70.
- [6]. D. James Kennedy, "Church and Society," *American Family Association Journal*, January 1993, p. 15. This journal is published and edited by Donald Wildmon, of Tupelo, Mississippi.
- [7]. Davis Barton, *The Myth of Separation: What Is the Correct Relationship Between Church and State?* (Aledo, Tex.: Wallbuilder Press, 1989); "Consumer Alert! Wall Builders' Shoddy Workmanship," *Church and State*, July/August 1996, pp. 11-13. The Wall Builders' retraction is reproduced on page 13.
- [8]. *Wallace v. Jaffree*, 472 U.S. 38. Among other places the text of Rehnquist's dissent can be found in Robert T. Miller and Ronald B. Flowers, *Toward Benevolent Neutrality: Church, State, and the Supreme Court*, 5th ed. (Waco, Tex.: Markham Press of Baylor University Press, 1996), p. 333, 335, 336.
- [9]. Nicholas Wolterstorff, "Locke's Philosophy of Religion," in Vere Chappell, ed., *The Cambridge Companion to Locke* (Cambridge: Cambridge University Press, 1995), p. 174.
- [10]. Samuel C. Pearson, Jr., "The Religion of John Locke and the Character of His Thought," *The Journal of Religion*, 58 (July 1978): 248.
- [11]. Frederick Dreyer, "Faith and Experience in the Thought of John Wesley," *American Historical Review* 88: 21, 22.
- [12]. John Locke, *A Letter Concerning Toleration*, ed. James H. Tully (Indianapolis: Hackett Publishing, 1983), pp. 32, 33.
- [13]. *Ibid.*
- [14]. *Ibid.*
- [15]. D. G. Hart, *Defending the Faith: J. Gresham Machen and the Crisis of Conservative Protestantism in Modern America* (Baltimore: Johns Hopkins Press, 1994), pp. 3, 4. My discussion of Machen is drawn largely from Hart's biography.
- [16]. Hart, p. 138.

NOVEMBER / DECEMBER 1999

# The Third Way

**BY: RICHARD OSBORN**

The Seventh-day Adventist Church, in common with all major Christian denominations, places a high premium on education. Worldwide the church operates a total of 5,464 elementary and secondary schools, with 1,024 of them in North America. In the United States, these schools are part of the 6 million students in 27,000 schools who attend non-public schools.

These are statistics--the physical reality of a broad-based commitment to Christian education. The significant reality is added by the individual families: parents determined that their children will receive the best possible education. And not only the best education but an education that by design encourages and indeed inculcates spiritual and moral values within a Christian worldview.

It is an almost universal understanding that individual morality and integrity lead to a stable and responsible society. This dynamic goes beyond basic Christian assumptions, and is shared by all the faith systems. While endorsing the plurality that so enriches our society, many Christians look to Christian education to develop their particular faith system more fully so that their children will be loyal to their church and develop strong faith maturity.

However, it is a fairly basic matter of public record, as well as a logical outgrowth of Christian education, that in the process of providing an education tailored to Christian needs it tends to strengthen the very integrity of society as a whole. Not only are students in Christian schools less likely to present behavioral problems, but beyond into adulthood the record of their leadership and citizenship is all out of positive proportion to their numbers. The simple fact is that Christian education is designed to turn out good citizens.

The strength of Christian education has been proved and demonstrated over and over. Young people from Christian and non-professing homes who receive a Christian education have a strong moral compass to aid in negotiating life's perplexities.

Yes: Christian education is a high priority with church members. But it is not a demand. It is ultimately a choice of the individual parents. While some may choose home schooling, the majority will send their children to public schools. In common with all other citizens, Seventh-day Adventist Christian parents thus have a stake in the quality and effectiveness of public education. Like those of all other citizens/taxpayers their tax contributions directly support the public school system. Where they choose the church school their contribution still continues to subsidize the public schools. The reality is that there are three basic choices available--public school education, non-public schools, and home schooling. Christian schools provide one way for parents to educate our children in a way that satisfies both the aspirations of the parent and society.

Richard Osborn, vice president for the North American Division of Seventh-day Adventists.

NOVEMBER / DECEMBER 1999

# Why I Am Against Instituting School Prayer

**BY: MIKE HUCKABEE**

It is this concern for our culture that spurs calls for a reinstatement of prayer and Bible reading in public schools. Given my church background, some are surprised to hear my response to such requests. While I understand the anger and frustration many feel toward the federal courts and those who use the courts to oust religion from the public square, I question the wisdom of the means proposed to accomplish what would be a noble end.

There may be no greater instrument than faith when it comes to instilling in young people a sense of eternal purpose and an appreciation for morality and truth. However, people of faith would be wise to proceed with caution when trying to sue a government school system to achieve such goals.

Still, there is no question activist judges and groups such as the American Civil Liberties Union have intimidated teachers and school administrators to the point that the Bible is no longer welcome in many classrooms and students feel prohibited from praying. Teachers have been harassed for having Bibles on their desks. Catholic students have been told to stop praying the rosary on the bus. Speeches by the Founders have been edited to remove all scriptural references from our public school textbooks.

I sense the recent calls for school prayer are more a reaction to a growing frustration over the effective intimidation tactics used against school administrators to stop religious activity on school campuses and the lopsided disciplinary practices that sometimes result from such intimidation. William Bennett recently captured this frustration when he commented on the Columbine shootings: "If these kids were walking around that school in black trench coats, saying 'Heil Hitler,' why didn't somebody pay attention? I guarantee you if little Cassie Bernall . . . and her friends had been walking through that school carrying Bibles and saying, 'Hail the Prince of Peace, King of Kings,' they would have been hauled into the principal's office."

We have gone far beyond government neutrality toward religion. We have gone too far when we allow a student to salute Hitler and prohibit a student from praising God.

However, we must ask what exactly people want when they say "Put prayer back in school." Do they mean reinstating a mandatory moment of silence? Is that prayer? Do they want a school official to read a written prayer over the intercom? Do they want the legislature to mandate these duties to the local schools? If so, should the legislature also specify which God is officially recognized by the state of Arkansas?

The issue of prayer in school becomes complicated when schools are government-run and attendance is compulsory. Outside of an education system in which parents have true choice with numerous options, forced school prayer can become a tool of the state used upon what amounts to a legally captive audience.

This is not perceived as a problem as long as the beliefs of the audience correspond with those of the state. The danger is there nonetheless. That is why James Madison argued, "Who does not see that the same authority that can establish Christianity, in exclusion of all other religions, may establish, with the same ease, any particular sect of Christians, in exclusion of all other sects?"

Rather than co-opting liberal methods of state mandates, people of faith concerned about religious freedom in our schools should turn their efforts toward educating students, teachers, and administrators of the rights students already have. Courts have ruled that students have a right to pray and read their Bibles in school as long as such actions are not disruptive to other educational activities. Additionally, courts have held that schools allowing nonacademic, secular clubs and meetings must also allow religious clubs and meetings. We have tried to inform students of these rights so they can take advantage of opportunities to responsibly and legally exercise their religious freedoms.

I wish there were more easy answers. I also wish it were as easy as passing another law to do this or that. Unfortunately, it is not. Until government discovers a way to legislate what is in people's hearts, we will have to rely on families, churches, and concerned citizens to perform this most important of functions.

Fortunately, it appears these vital intermediary institutions are starting to have an effect. A few cultural indicators are starting to improve.

The American Enterprise magazine, citing Gallup polls, recently reported that religious belief is on the rise. Since the 1970s the percentage of Americans who say religion is "very important" in their lives has increased from 52 percent to 61 percent. During the same time the percentage of teenagers attending religious services in an average week has risen from 47 percent to 55 percent. Additionally, according to a Washington Post/Harvard/Kaiser Family Poll, 78 percent of respondents said encouraging a belief in God was more important than encouraging a modern scientific outlook.

These trends are cause for hope. Big government remedies are increasingly proving to be futile. As violence persists and people are inundated with horrific images on the evening news, attention inevitably will turn to areas where true meaning can be found.

Increasingly, people are finding this meaning in faith. As citizens, we must do all we can to encourage this trend while not yield to the temptation that big government remedies present. As more and more citizens find meaning and answers through faith, let's not threaten the trend by encoding it into law.

This article by Arkansas governor Mike Huckabee was first presented in the July 1999 Arkansas Review. It is used here by permission, together with an additional message from the governor to Liberty readers.

---

Box

To the readers of Liberty: We have received a tremendously positive response to the idea that people of faith should turn their efforts toward making the public aware of the rights public school students already have, rather than focusing on something that could become a tool of the state.

There are those who have said they are amazed a conservative Republican would take such a moderate or even liberal position. Opposition to state-instituted school prayers, however, is not a moderate or liberal position. It is a principled, constitutional position, based on the idea that conservatives should not utilize big-brother tactics to accomplish noble ends.

In other words, it is inconsistent to fight government efforts to mandate curricula while simultaneously attempting to wrest control of the system so a different ideology can be imposed. The point that should be emphasized is an emphatic support of students' religious freedom. The courts have stated that the religious rights of students are not forfeited at the school door. Rather than working for mandatory school prayer, religious conservatives should inform students and administrators of the rights the students already possess. Too much energy is being expended on symbolic and potentially government-expanding legislation.

NOVEMBER / DECEMBER 1999

# Home Schooling And The Law

**BY: NICHOLAS MILLER**

Somehow a reporter from a local paper found out about my mother's decision. And that was when I found out the terrible truth--I was living with a criminal. There it was in black and white in our local newspaper: "Vera Miller is in violation of the law, as she refuses to send her son to school in defiance of state compulsory attendance regulations." (The irony, however, was that, unlike most school-attending first graders, I could actually read the article.)

Despite the publicity, my parents never received a visit from school board officials. And the following year they also held my younger sister out in continuing violation of the law. Enrolled in school at age seven-plus, both my sister and I skipped grades and went on to successful scholastic careers, pursuing terminal degrees in our respective fields. (And that may be one of the points of the story, that the success of home schoolers has paved the way for widespread legal protection for home-schooling.) But it is only since my family's early seventies brush with a life of crime that laws have been passed in most states protecting the kind of educational choices my parents made.

Many people are surprised to learn that home schooling is not explicitly protected by the federal Constitution. In the 1925 case of *Pierce v. Society of the Sisters*, the Supreme Court did affirm the right of parents to direct their children's education by sending them to private religious schools.[1] This case, often referred to as the "Magna Carta" of parochial schools, means that the state cannot force its citizens to attend public schools. Parents have the right to send their children to qualified private schools.

The Supreme Court said nothing, however, about home schooling, and stated that the regulation and oversight of education was still within the province of the state. In *Wisconsin v. Yoder*,[2] the Court upheld the right of the Amish to withdraw their children from formal schooling after the eighth grade. But this decision relates only to compulsory secondary school attendance, and much home schooling takes place at the elementary and primary level. The *Yoder* case is also probably limited to its facts: a unique Amish community and way of life being threatened by having their teenage children kept in the classroom rather than helping in the fields and workshops of their farms. The typical home-schooling family does not resemble this picture.

So while the federal Constitution protects generally the right of parents to provide a religious education for their children, it is left to the states to protect the particular form that education can take--such as home schooling. My family's violation of the law in the seventies may have been the norm for home-schooling families generally. Very few states formally protected home schooling before the 1980s. Presently 37 states[3] have home-school statutes, but 35 of those statutes were passed after 1980. Only Utah and Nevada had such statutes before the 1970s.

But now even states that do not have home school statutes have found ways to protect the practice of home schooling. Oklahoma protects home schooling in its state constitution. Other states have provisions in their private school regulations that allow for the practice of home schooling. Still others have provisions for the use of "private tutors" that can serve as the basis for a home school. Still others allow for it under vague statutory clauses, such as specifying that children must be "otherwise comparably instructed" as those in public school. In New Jersey, home schools are considered under the category of receiving education "elsewhere than at school."

With so many different laws and statutory schemes regulating home schools, any prospective home schooler must become familiar with his or her state's requirements. While most states do not require home-schooling parents to have any specific educational qualifications, there are nine that require at least a high school diploma or GED.[4] At least four states require home schools to be subject to the discretionary approval of a state official.[5] About half of the states, 26 altogether, require some form of standardized testing or evaluation.[6] The tests may be annual or given only in certain grades. The evaluation may take the form of a review by a state official of a home schooler's educational portfolio or curriculum. Eight states allow some form of religious exemption from certain schooling requirements.[7]

To those who value the God-given duty of parents to shape their children's education, it is gratifying to know that every state presently offers some opportunity for home schooling. It is troubling, however, that the basis of this important right may rest on the precarious whim of the state legislature, the state court, or even a single state official. One would hope that the Supreme Court would extend the reasoning of its decisions in *Pierce* and *Yoder* to constitutionally protect the practice of responsible home schooling. Unfortunately, recent Supreme Court decisions have contracted rather than expanded civil and religious rights. The trend is toward allowing the states to protect, or infringe, individual rights as the state legislature sees fit.

A glimmer of hope is offered by the Religious Liberty Protection Act (RLPA), recently passed by the House of Representatives and

pending in the Senate as of this writing. RLPA is an attempt to undo the damage of recent Supreme Court decisions undermining religious freedom protections. The act restores the compelling state interest test that had protected religion prior to 1990, and which resulted in decisions like *Pierce* and *Yoder*. This act would give home schoolers nationwide equal footing to claim that home schooling is a national legally protected right. It is not guaranteed that federal courts would recognize such a right under the act. But as the act would restore the test that produced *Pierce* and *Yoder*, there is reasonable hope that courts would extend such protection to home schoolers. Until then, home-school families are only a small step removed from the notorious home-school crime families of the seventies!

Nicholas Miller is executive director for the Council on Religious Freedom.

---

## ENDNOTES

[1]. *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).

[2]. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

[3]. According to the Home School Legal Defense Association's latest report (from which the figures found in this and all following footnotes are taken), states with home-school statutes are: Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Iowa, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

[4]. The nine states requiring a high school degree or a GED are Georgia, Maryland, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia. Additionally, in West Virginia, the parents must remain four years ahead of the grade level of the student.

[5]. These are Maine, Massachusetts, Rhode Island, and Utah.

[6]. States that require testing are Georgia, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, South Dakota, and Tennessee. States that allow evaluation as an alternative to testing are Colorado, Connecticut, Florida, Hawaii, Iowa, Louisiana, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, Washington and West Virginia.

[7]. States that have some type of religious exemption are Alabama, Alaska, Maryland, Nebraska, Pennsylvania, Tennessee, Vermont, and Virginia.