

IDS Institute for Democracy Studies

INSIGHTS

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FROM DOMESTIC TO FOREIGN POLICY: BUSH ADMINISTRATION EMPOWERS GLOBAL ANTIABORTION NETWORKS

"RELIGION IS NOW ONE OF THE ORGANIZING PRINCIPLES BEHIND AMERICAN POLICY."

—Elliott Abrams, National Security Council

By LEE COKORINOS AND GILLIAN KANE

Antiabortion activists have long operated through a broad tangle of informal "networks"—a loose alliance of individuals and nongovernmental organizations (NGOs) working in some degree of cooperation to advance their common agenda. In recent years much of this networking has been spearheaded by the U.S.-based International Right to Life Federation, which has reached out to like-minded groups in Western and Eastern Europe with considerable success. Until now, these groups have operated as private citizens speaking in their personal and professional capacities. But with the election of George W. Bush, this informal process is changing dramatically.

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Bradley Foundation head Michael Joyce, pictured here in 1997, is moving to Washington to lobby and build support for charitable choice, the linchpin in his twenty-year bid to dismantle public programs and entitlements for the poor.

Photo: Journal Sentinel Inc.

CHARITABLE CHOICE: THE ARCHITECTURE OF A SOCIAL POLICY REVOLUTION

By LEWIS C. DALY

"There are individuals who have cultivated networks" who will contact Capitol Hill, Mr. Joyce said. "They are not particularly well known because they operated under the radar of officialdom."

Washington Times, June 17, 2001

The Bush administration's "faith-based" initiative, a bold effort to transfer a sweeping range of government social services directly into the hands of America's churches, has seized the national spotlight. Essentially, "charitable choice," as it is popularly known, is

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FROM THE PRESIDENT

Since January there has been a dramatic shift in the strategic correlation of forces as the right wing consolidates power to threaten mainstream values, including reproductive rights, diversity in higher education, and the separation of church and state. In this environment the analysis, production, and dissemination of crucial information is more important than ever to motivate and mobilize our citizens to defend our constitutional democracy. This is the core of the IDS mission.

IDS has already experienced the Bush administration's willingness to crush free speech in order to cover up its real agenda and its ties to right-wing institutions, out of which its leadership has emerged. As the *New York Times* reported on August 21 (see the enclosed article), a senior Bush administration official pressured a national trade association of diversity officers to cancel a speech I was scheduled to deliver on the challenges to affirmative action and diversity.

The two leading figures linked to the Bush administration's efforts to censor IDS are Charles James and Kay James, husband and wife. Charles James was recently appointed to a senior position in the Department of Labor. Kay James—the former Dean of Pat Robertson's School of Government and a veteran of the Heritage Foundation—is now Director of the U.S. Office of Personnel Management. As such, she has responsibility for placing vast numbers of individuals throughout the White House, the national security apparatus, government agencies, and other parts of the federal bureaucracy.

These two high-ranking U.S. officials are among those who endorsed the resolution of the 1998 Southern Baptist Convention stating that wives should submit to the authority of their husbands. For us at IDS, male supremacy is no more acceptable in a democratic society than white supremacy. Besides the unconscionable threat to First Amendment speech, the recent government gagging of IDS raises the issue of what happens to democracy when members of the religious right are in a position to use the levers of government to further their personal agenda.

When former Federalist Society leader Ted Olson argued *Bush v. Gore* before the Supreme Court, his agenda was far broader than placing a compliant mediocrity in the Oval Office. The driving motivation was to bring the powerful levers of the executive branch under the control of the Right and effectuate a redirection of U.S. domestic and foreign policies.

"These are our people," says Jay Sekulow of Pat Robertson's American Center for Law and Justice. "Far superior," says Paul Weyrich of the far-right Free Congress Foundation, comparing the new administration to that of Ronald Reagan. "Unlike Reagan, who came to town and was one of the few Reaganites, this administration and this town now is full of Reaganites," gloated Grover Norquist of Americans for Tax Reform. "There is a whole talent pool who studied at Heritage and Cato and the other think tanks."

This issue of *IDS Insights* identifies many examples of the growing prominence of right wing ideologies and their advocates — with the hope that you, our readers, will share the information with others, will share your information with us, and will reach out to new friends in our common efforts to defend the freedoms that over the years so many of our citizens have died to preserve.

Since our launch in March 1999 we have grown to twelve full-time staff. Most recently, we have added to our ranks a new Communications Director, John Tessitore. John comes to us after five years as Editor-in-Chief of the Carnegie Council's *Worldview* magazine, where he covered the covert actions in Latin America and other threats from the Right, and fifteen years as Communications Director at the United Nations Association. With his help—and with yours—we will continue to get our message out to an ever-increasing audience. Ours is a struggle that must be fought—and won.

—Alfred F. Ross

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an attempt to synthesize three primary goals of the far right: 1) the devolution and eventual elimination of federal regulatory, redistributive, and insurance powers—the new “federalism”; 2) a systematic desecularization of public life; and 3) the use of social programs as a platform for antiabortion politics, which President Bush himself has indicated is a “logical step” in relation to faith-based social services.¹ In taking stock of all this, it is important to recognize that charitable choice has deep roots that reach into leading right-wing foundations, think tanks, and leadership networks developed over the past three decades to foist extremist social theories and ideologies onto the American body politic.

The Bush initiatives, and the radical legislative proposals being advanced to implement them, are couched in centrist and “compassionate” language. But they constitute a triumph for the fringe visions of church-state relations carefully nurtured through the years by veteran leaders of the far right, such as Paul Weyrich, Pat Robertson, Ralph Reed, Jeffrey Bell, William Simon, and Amway’s Richard DeVos.

It is not yet clear in what final form the Bush proposals will be implemented once they go through the legislative process. Inevitably, some compromises and “common ground” solutions will be advanced in order to obtain political cover—and a legislative beachhead—for direct church involvement in government services. However, the forces driving the broader strategic agenda will view this as merely a first step toward realizing their long-term goals of removing the social safety net and eroding church-state separation. Understanding these forces will be essential to developing an effective response.

The ascendancy of charitable choice is a case study in the right’s ability to translate extreme ideology into mainstream policy. The Bush administration, however, is doing more than adopting far-right ideas. It is systematically moving key



Kay Coles James, Director of the U.S. Office of Personnel Management, and former Dean of the Pat Robertson School of Government.

Photo: Times-Dispatch

people into position—both inside and outside the government—to lead a national upheaval, implementing structural changes conceived and designed to permanently weave the religious right into the DNA of government decision-making. This process, while ultimately controlled by the top Bush political apparatus (and key strategist Karl Rove, in particular), has been given a key focal point by the creation of the White House Office of Faith-Based and Community Initiatives (OFBCI), and by the appointment of Kay Coles James, who was recently confirmed as director of the U. S. Office of Personnel Management, which oversees the federal workforce.²

Mr. Joyce Goes to Washington

When his initiative was announced in January 2001, President Bush was accompanied by a notable group of conservative policy leaders and activists, giving a partial picture of the forces behind the initiative. Among the most important supporters in attendance was Michael Joyce, long-time head of the Milwaukee-based Lynde and Harry

Bradley Foundation, and vice chairman of the board of the Philanthropy Roundtable, a right-wing foundation umbrella group.

Recently dubbed the “chief operating officer of the conservative movement” by the *National Review*, Joyce, more than anyone else, paved the way for the faith-based initiative. From his command post at Bradley, for years Joyce bankrolled the think tanks and intellectuals that gave mainstream currency and the appearance of respectability to policy proposals and litigation (e.g., on school vouchers) that involve a radical departure from existing constitutional law.

In a momentous step, Joyce retired as head of the Bradley Foundation last spring and has moved to Washington to establish operations designed to guide his prized agenda through to conclusion. Drawing on a memo written by political consultant Frank Cannon, Joyce has set up a Washington lobby for charitable choice called Americans for Community and Faith-Centered Enterprise, as well as a foundation to develop private sector initiatives within the wider framework of the Bush plan. According to the *Weekly Standard*, Cannon and his colleague Jeffrey Bell, both veteran right-wing activists, are expected to work with Joyce’s new organization as consultants. Along with Robert Heckman, a Citizens for Reagan veteran, and former Reagan administration aide Ralph Benko, who is spokesperson for the new Joyce group, Bell and Cannon have started Capital City Partners, a consulting firm.³

Asked in a recent interview about financing for the nonprofit effort to support the Bush initiative from outside, Michael Joyce said, “I can promise you we won’t have any trouble.” That offhand remark speaks volumes about the right-wing investment behind charitable choice and the influence of Joyce himself.

Other key figures in attendance at the launching were:

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- Marvin Olasky, a leader of the religious right, better known for inspiring the Republican Party's turn toward "compassionate conservatism" in the mid-1990s;
- James Skillen and Stanley Carlson-Thies of the Center for Public Justice, a small but influential religious think-tank;
- Leading black conservative Robert Woodson of the National Center for Neighborhood Enterprise, an important early supporter of faith-based alternatives to the welfare state;
- John P. Walters, president of the right-wing Philanthropy Roundtable;
- Rev. Eugene Rivers, leading African-American clergy advocate of charitable choice.

Despite certain tensions with the Bush administration over policy details, important sectors of the Right have been organizing to bolster the progress of charitable choice. On April 11, Connie Marshner, director of governance at the Free Congress Foundation, announced the formation of the 35-member Coalition for Compassion, of which she is the chair. The Coalition has issued a statement of principles welcoming the Bush initiative and stressing the need to protect faith-based service providers' "rights to freedom of religious belief and practice."⁴

Moving into the White House

In launching the OFBCI, President Bush appointed a staff drawn directly from rightist enclaves such as the Manhattan Institute (John DiIulio), the National Fatherhood Initiative (Don Eberly), and the Center for Public Justice (Stanley Carlson-Thies). Its design was influenced by Marvin Olasky, who headed a religion and public policy task force that Bush put together in February 1999 to devise his charitable choice platform.⁵

The OFBCI has liaison offices in five

Cabinet departments thus far. Allies like Health and Human Services Secretary Tommy Thompson and Attorney General John Ashcroft lead these efforts. Carl Esbeck, an important figure in the Federalist Society's Religious Liberties Practice Group and in conservative Christian legal circles, has been appointed to head the faith-based initiatives office in the Department of Justice.⁶ [For more on the role of the Federalist Society at the top levels of the Bush administration, see accompanying article by Julie Gerchik.]

Among others, the Hudson Institute's Dr. Amy L. Sherman is providing key support in congressional hearings and other influential settings to bolster the OFBCI and the Bush initiative. This targeted advocacy, in turn, is reinforced by the wider influence of right-wing philanthropy think tanks like the Capital Research Center; the understated and underappreciated power of Catholic cultural leaders such as Robert Sirico of the far-right libertarian Acton Institute—where Olasky is now a Senior Fellow; and the longstanding (and heavily patronized) anti-government advocacy of black conservatives led by Woodson.

With so much already in place, the OFBCI presents an unprecedented political opportunity for the Right's social policy institutions, agendas, and personnel. It is no wonder that Jay Hein, director of the Hudson Institute's Welfare Policy Center, is convinced that "[by] 2020, welfare will have been reformed across America, with much of the western world following suit."

A "Severe Mercy"

"Compassion is not one of the easy virtues. At Teen Challenge—a national drug treatment program—one official says, 'we have a rule: If you don't work, you don't eat.' This is demanding love—at times, a severe mercy."

George W. Bush ("The Duty of Hope," Indianapolis, July 22, 1999)

As Lutheran-turned-Catholic right-wing intellectual Richard John Neuhaus put it from his perch at the Bradley-funded Rockford Institute in 1985, conservatives need to "rewrite the last chapter of *Losing Ground*," referring to Charles Murray's seminal anti-welfare tract. To many conservatives at the time, *Losing Ground* did not go far enough because it failed to conceptualize alternatives to the welfare state. Neuhaus held a consultation, headlined by Murray, to define such alternatives.

Among the tenets proposed by this group, more than ten years before legislation was finally enacted, was that "[social] policy should take its cue from the strengths of . . . mediating structures," referring to "family, church, voluntary associations, and neighborhoods." The influence of this concept goes back much further, to Neuhaus's slight but catalytic 1977 monograph, *To Empower People: the Role of Mediating Structures in Public Policy*, written with future Rockford colleague Peter Berger and published by the American Enterprise Institute.

The book's recommendation that "public policy should utilize mediating structures for the realization of social purposes" clearly prefigures charitable choice. Drawing on these ideas and others, from the mid-1980s through the 1990s Michael Joyce directed the resources of the Bradley Foundation toward building intellectual support for right-wing social engineering—but through nongovernmental mediating structures rather than the national state. This agenda took an alarming turn with the publication of Charles Murray's quasi-eugenicist tract, *The Bell Curve* (1994), underwritten by the Bradley Foundation. Joyce called his program the "new citizenship," and charitable choice is its crowning achievement.⁷

Devolution's Intended Consequences

The stated goal of the right wing's "faith-based" offensive is to remove historic

barriers to government contracting with, and other forms of support for, religious institutions in the provision of social services. An erosion of church-state separation is undoubtedly at the core of charitable choice, but this constitutional assault must be understood in terms of the wider political context that has given rise to it. Among the most important aspects of charitable choice are the following:

- *Its effect on the politics of the black church.*

Charitable choice will drive a wedge of patronage between black churches and the political legacy of the civil rights

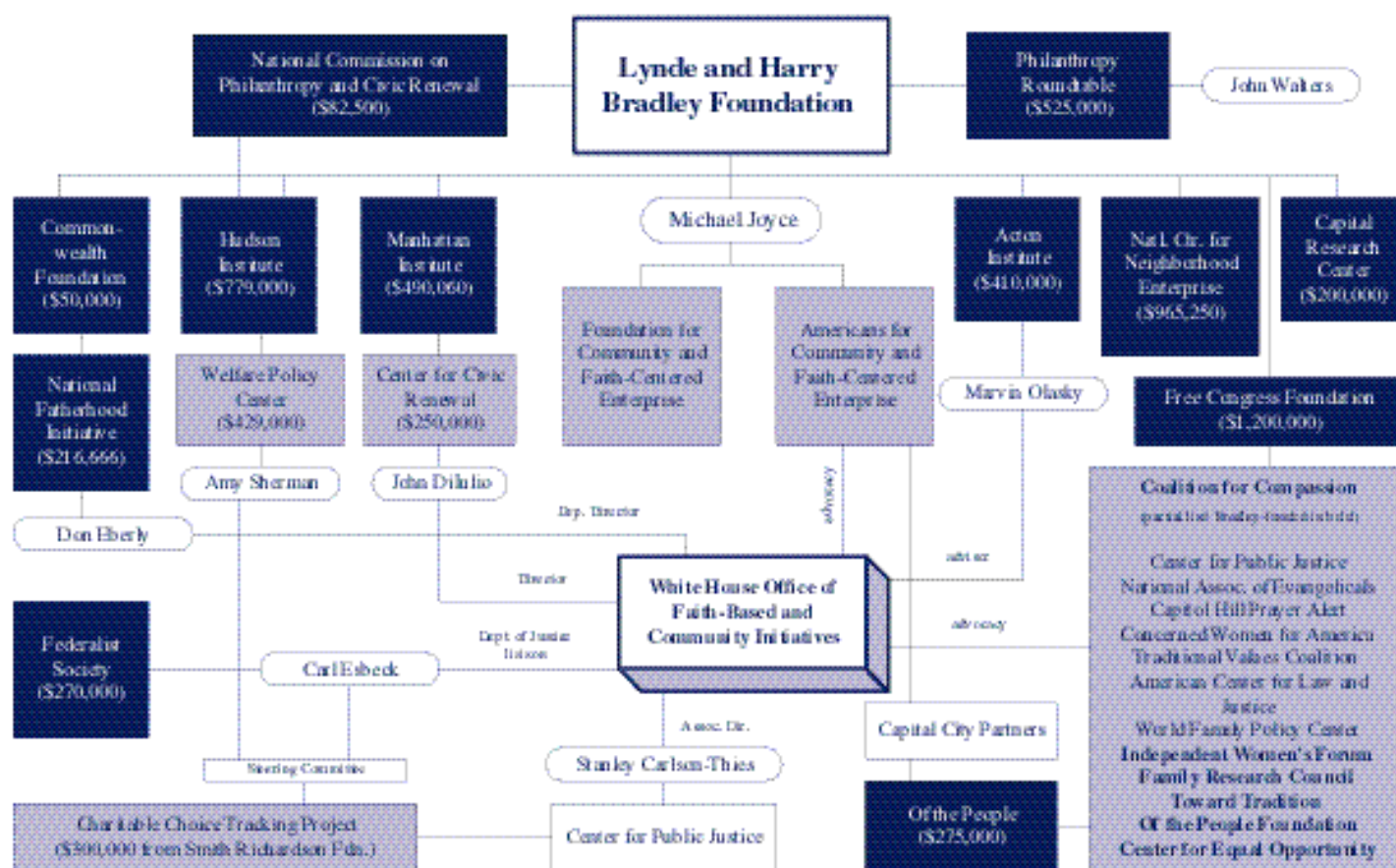
movement, with its emphasis on enfranchisement, representation, and redress. Black clergy support for the Bush administration's plan, in particular the role of conservative Pentecostal ministers led by Eugene Rivers—a vociferous opponent of the civil rights' "establishment"—should be monitored and challenged. Welfare policy expert Frances Fox Piven of the City University of New York puts it starkly: "The Bush initiative is a device to develop Republican political machines in inner city communities and will gravely undermine the historically progressive commitments of many of the churches in these communities."

- *Its role within the larger right-wing crusade for government downsizing, budget cuts, tax cuts, deregulation, privatization, etc.*

It is no coincidence that in the mass of right-wing “civil society” literature that lies behind charitable choice there is virtually no mention of vibrant citizens’ movements such as the Industrial Areas Foundation and the many state and local Labor-Religion coalitions that have emerged in the last decade, with their focus on political empowerment against public injustice and private control of resources. The political objectives of

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Conservative Influence Behind Charitable Choice Initiatives (with Bradley Foundation grant totals 1998-99)



(Source: Lynde and Harry Bradley Foundation, IRS Form 990, 1998-99)

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Veteran antiabortion activist Marvin Olasky played a major role in persuading George W. Bush to move toward a church-based social welfare system. Tutored by Christian Right leaders such as Howard Ahmanson and George Grant, Olasky honed his ideas as a Bradley Fellow at the Heritage Foundation before being launched to public stardom by Newt Gingrich in the mid-1990s.

Photo: AP/World Wide Photo

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this faith-based retreat from politics are obvious.

- *The religious reorientation of social service models and a challenge to social work professionals.*

A recent statement from the group OMB Watch draws attention to charitable choice provisions that allow for the substitution of “life experience” for training and education in the hiring standards of faith-based contractors. “For example, in Texas,” they note, “. . . a drug rehabilitation program approached drug addiction as a moral failing, not a disease, and provided Bible reading and prayer as a treatment. This could be deadly for a patient who is encouraged to quit a heroin addiction ‘cold turkey’ and offered prayer instead of methadone.”⁸

The National Association of Social Workers strongly “opposes the use of tax policy, administrative regulations, or the distribution of government funds to sup-

port organized religion in any manner,” but has not yet challenged charitable choice’s underlying premise—that religious faith is the solution to poverty. In fact there is no grounding in social science for this idea and very little understanding of its potentially debilitating consequences, not only for the social work professions but, more importantly, for the constituencies they serve. The social work community should undertake this analytical challenge.

Revival and Repression

If there is little understanding of faith-based social service models, there is even less understanding of the particular religious currents—and the “under the radar” political networks related to them—that have given rise to charitable choice. The career of Amy L. Sherman, Senior Fellow of the Hudson Institute’s Welfare Policy Center, is instructive as to how these religious networks function and the radicalism of their social views.

Prior to assuming her current role as a leading expert on domestic faith-based social service models, Sherman was mentored and supported by right-wing international security and Christian relief experts. This trajectory is suggestive of the potentially global reach of faith-based social policy and contracting—by way of extrapolation through the State Department, Health and Human Services, and other domestic entry points—into international arenas [see accompanying article by Lee Cokorinos and Gillian Kane].

Much in demand, Sherman has published extensive sociological research on charitable choice and the role of religion in domestic and international economic development. She testified before the House Judiciary Committee in late April 2001, conveying her findings on existing church-state partnerships under charitable choice. This research was funded by the right-wing Smith Richardson Foundation and is part of the Center for Public Justice’s “Charitable Choice Tracking Project,” directed by Stanley Carlson-Thies.

Biblical Government

Sherman is also the Urban Ministries advisor to Trinity Presbyterian Church in Charlottesville, Virginia. Like Marvin Olasky’s Redeemer Presbyterian Church in Texas, Trinity is part of the far-right Presbyterian Church in America, which does not ordain women and upholds the doctrine of biblical inerrancy.

Among the many foundations that have supported Sherman’s work, the Fieldstead Institute stands out. Fieldstead is the philanthropy of Howard Ahmanson, a major funder of the Republican right and of right-wing referenda movements in California. In the early 1990s, Sherman was the editor of the *Stewardship Journal*, a publication of the Fieldstead-supported Villars Committee on Relief and Development.

Launched in 1987 in Switzerland, the Villars Committee focused on culture-based models and biblical principles of

Third World economic development. Among its members were Howard Ahmanson, Marvin Olasky, and notable Reconstructionist leader and anti-Planned Parenthood screed writer George Grant. Charitable choice was in many ways prefigured by international developments such as the Villars Committee. In fact, Marvin Olasky singles out its influence in the acknowledgements to his influential book, *The Tragedy of American Compassion*, written while he was a Bradley Fellow at the Heritage Foundation.

Sherman's widely-cited 1997 book, *Restorers of Hope: Reaching the Poor in Your Community with Church-based Ministries that Work*, was underwritten by a two-year grant from Fieldstead and published by the small but influential Crossway Books. Fieldstead and Crossway had earlier collaborated to publish the 16-volume Turning Point Christian Worldview Series, edited by Marvin Olasky, whose influence Sherman acknowledges in *Restorers of Hope*. Another of Sherman's mentors, Herbert Schlossberg, worked for several years as a Fieldstead project director on "the study of the persecution of the church."⁹

Sherman's advocacy for faith-based economic development has formidable intellectual and political roots, including doctoral work supervised by David C. Jordan in the Department of Government and Foreign Affairs at the University of Virginia.¹⁰ Appointed ambassador to Peru in 1983, Jordan was one of the drafters of the far-right Council for Inter-American Security's 1980 "Santa Fe Report." This document played an influential role in the development of Reagan-era counterinsurgency efforts in Central America, and the Council was a primary U.S. support structure for the Nicaraguan contras.

Sherman also has important connections to religiously oriented right-wing policy organizations in Washington, including the Ethics and Public Policy Center,

where she has been a visiting fellow, and the Institute on Religion and Democracy (IRD), an important nerve center for opposition to the social justice efforts of the mainline churches. Kent Hill, a former executive director of IRD, is named in the dedication to Sherman's first book, *Preferential Option: A Christian and Neoliberal Strategy for Latin America's Poor*, which IRD co-published in 1992 [for more on Hill, see accompanying article by Cokorinos and Kane].

Conclusion

Domestically and internationally, charitable choice is in a position to cause irreversible damage to core social structures and principles of American democracy. Challenging charitable choice must begin with a deeper understanding of its institutional lineage, along with the theological and political backgrounds of its major architects and proponents. Unfortunately, the basic question of where this idea comes from is not being widely asked. Neither is the question of where it will lead, a much broader one that cuts to the heart of democracy's future in an age of profound economic restructuring and insecurity. The investment behind this idea and the interests it represents could not be more obvious, but the political lessons that can help us challenge it are still to be learned.

Lewis C. Daly is Senior Program Associate for Religion and Democracy at the Institute for Democracy Studies, and is author of *A Moment to Decide: The Crisis in Mainstream Presbyterianism* (available from IDS).

Endnotes

¹ Alex Keto, Bob Davis and Shailagh Murray, "Bush Links Faith-Based Social Services With His Goal of Curtailing Abortions," *Wall Street Journal*, February 1, 2001.

² Kay Coles James is the former dean of the School of Government of Pat Robertson's Regent University. Cf. Ben White, "Bush's Nominee to OPM Sails in Senate Hearing," *The Washington Post*, June 22, 2001.

³ Bell and Cannon are also business partners with Lew Lehrman, the Rite-Aid drugstore magnate, whose Citizens for America supported the Nicaraguan

contras and other far-right paramilitary efforts in the 1980s.

⁴ Important members of the Coalition include the Capital Research Center, Family Research Council, Pat Robertson's American Center for Law and Justice, and the antifeminist Independent Women's Forum, as well as key umbrella structures such as the National Association of Evangelicals, the American Association of Christian Schools, and Of the People, a "parental rights" organization led by Bell, Benko, Cannon and Heckman. Lew Lehrman was once Of the People's national chair, but stepped down after 1997. For more on the Independent Women's Forum, see Lee Cokorinos, *Antifeminist Organizations: Institutionalizing the Backlash* (Institute for Democracy Studies, 2000).

⁵ Olasky, a key adviser to Bush while he was governor of Texas, is a central figure in the long crusade of the right wing to erode the wall of separation between church and state. The depth of his extreme politics is illustrated, for example, in a front-page interview in the *Journal for Biblical Manhood and Womanhood* (Vol. 3, No. 4, 1998), an organ of the Council on Biblical Manhood and Womanhood, which promotes the concept of women's submission to male authority. Among other things, in the course of a venomous attack on feminism, Olasky says, "God does not forbid women to be leaders in society, generally speaking, but when that occurs it's usually because of the abdication of men. As in the situation of Deborah and Barak, there's a certain shame attached to it. I would vote for a woman for the presidency, in some situations, but again, there's a certain shame attached. Why don't you have a man who's able to step forward?"

⁶ Esbeck is the co-chairman of the Constitutional Adjudication Subcommittee of the Federalist Society's Religious Liberties Practice Group. Prior to his DOJ appointment, he was the director of the Christian Legal Society's Center for Law and Democracy, a key vehicle for right-wing litigation efforts to erode the separation of church and state.

⁷ See especially, Michael S. Joyce, "Citizenship in the 21st Century: Individual Self-Government," in Don E. Eberly, *Building a Community of Citizens: Civil Society in the 21st Century* (University Press of America, 1994), pp. 3-10.

⁸ OMB Watch, "Analysis of Bush Administration's Charitable Choice Initiatives," April 23, 2001, www.ombwatch.org/npadv/2001/chchanalysis.html.

⁹ Schlossberg was formerly a senior analyst at the CIA. For more on him see Lewis C. Daly, *A Moment to Decide: The Crisis in Mainstream Presbyterianism* (Institute for Democracy Studies, 2000), pp. 49-50. See also Sara Diamond, *Spiritual Warfare: The Politics of the Christian Right* (South End Press, 1989).

¹⁰ Among the highlights of the book resulting from Sherman's doctoral research, *The Soul of Development: Biblical Christianity and Economic Transformation in Guatemala* (Oxford 1997), is her comparison of Guatemalan dictator Ephraim Ríos Montt's "philosophy of government" to that of Abraham Kuyper, the 19th century Dutch politician and political theorist. Kuyper's thought has played a central role in the development of charitable choice through the efforts of Sherman's colleagues at the Center for Public Justice.

PEOPLE ARE POLICY: TIMOTHY FLANIGAN, JUDICIAL SELECTION, AND THE OFFICE OF WHITE HOUSE COUNSEL

By JULIE R. F. GERCHIK

A new generation of ultra-conservative lawyers is settling into Washington—ushering in an era largely defined by the growing impact of the influential right-wing Federalist Society.¹ Conservative networks built over the past two decades are now being mobilized on a broad range of fronts, combining access to the Bush administration with the resources of the Federalist Society and other such organizations. Among those operating at the highest level is Ted

As such, Olson will decide which cases the U.S. will bring before the Supreme Court and the federal courts, and how the arguments will be framed.

However, operating below the top layer of the Bush Cabinet are second and third tier appointees who often escape the public eye yet make crucial decisions, including the selection of the federal judges before whom future federal cases will be heard. Bemoaning the lack of a unanimous “well qualified” rating by the American Bar Association (ABA) for Supreme Court nominee Robert Bork in 1987, the Federalist Society has long targeted the mainstream ABA and its role in the vetting of candidates before they are publicly nominated for federal judgeships. As of March 2001, the ABA was officially removed from this historic position in the judicial selection process.

The role of White House Counsel was described as “cloaked in anonymity”² by President Reagan’s first White House Counsel, Fred F. Fielding.³ Today the Office of White House Counsel is dominated by a new breed of young-bloods who have risen through the ranks of the legal Right to take their place among Washington’s elite. The Office is responsible for providing legal advice to the

President on the constitutionality of his actions, and overseeing the judicial selection process. As Nan Aron of the Alliance for Justice told *IDS Insights*, “President Bush’s judge pickers are a group of activists committed to appoint-

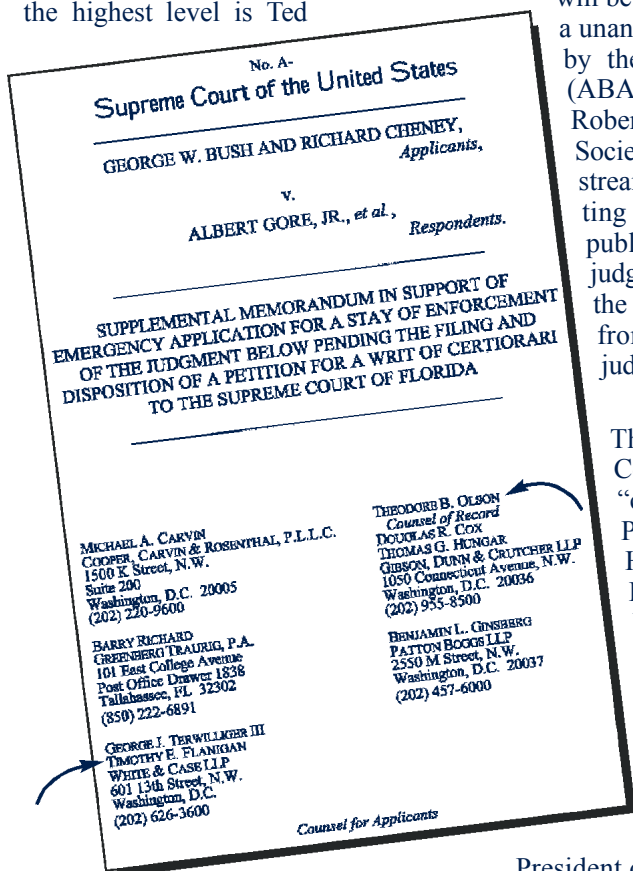
ing judges who are out of step with mainstream America and committed to rolling back civil rights.”

Current White House Counsel Alberto Gonzales represents the “Texas branch” of the right-wing legal arm in the White House. In recent years, Gonzales has developed a “close working relationship” with George W. Bush. In 1995 then-Governor Bush asked him to serve as his general counsel, later appointed him Secretary of State for Texas, and in 1999 appointed him to the Texas Supreme Court.⁴ Gonzales is perhaps best known as “fiercely pro-business”⁵ and for his track record on the death penalty: In just two years he ordered 59 death sentences carried out.⁶ Less well known is the ethical controversy that surrounded Gonzales for receiving donations from executives of Vice President Richard Cheney’s Dallas-based Halliburton Company during the same period that Halliburton appeared as a party before Gonzales on the Texas Supreme Court.⁷

Gonzales, who is on the rumored short list of Supreme Court nominees, officially heads the Office. However, it is Timothy E. Flanigan, Deputy White House Counsel and Deputy Assistant to the President, who has emerged as one of the key figures driving such critical issues as the judicial selection process.

The Man Behind the Man

Timothy Flanigan holds a J.D. from the University of Virginia School of Law and a B.A. from Brigham Young University. He is married with fourteen children and is a highly respected member of the Church of Jesus Christ of Latter-day Saints (the Mormons). His roots in the Federalist Society and other far right organizations run deep, including serving on the Federalist Society’s Washington, D.C., Program Committee of the Lawyers Division under Ted Olson, then chapter President.⁸ Flanigan served as Acting Assistant Attorney General and then Assistant Attorney General in the



Olson, former Federalist Society board member and past president of the Washington, D.C., Federalist Society chapter, who now serves as Solicitor General of the United States.

Department of Justice's Office of Legal Counsel in the Bush, Sr. administration.

Federalist Society leader C. Boyden Gray⁹ who served as White House Counsel under Bush, Sr. has commented that in this administration "the real legal policy energy may well be in the White House when it comes to selection of judges and justices and policymaking—not in the Justice Department...."¹⁰ Serving under Flanigan are more members of the conservative cabal—including Christopher Bartolomucci, Bradford Berenson, Brett Kavanaugh, and Noel Francisco (*see sidebar, page 11*). They are the behind-the-scenes operatives—the fruit of the conservative movement's labor—who are selecting, vetting, and shepherding judicial nominees through each stage toward confirmation in order to profoundly shape American jurisprudence for years to come.

In 1997, Flanigan appeared as a witness in Senate Judiciary hearings on "the topic of limiting judicial activism."¹¹ He stated that during his Justice Department tenure in the Bush, Sr. administration, he "participated in the careful screening process for potential judicial nominees." Echoing the war cry of the Right since the Supreme Court's landmark civil rights decision in *Brown v. Board of Education*, he further asserted that during the process they specifically chose nominees who supported "the limited role of judges," and he went on to say that the Senate should be "extraordinarily diligent in examining the judicial philosophy of potential nominees."¹² This seems ironic in the current political climate given protestations by conservatives over the proposal of Senator Charles Schumer (D-N.Y.) to examine the judicial philosophy of the Bush nominees.

Flanigan may well argue for the return of the days of an "Imperial Presidency." Indiana University law professor Dawn Johnsen cites a 1992 memorandum by Flanigan that was written while Acting Assistant Attorney General in the Department of Justice.¹³ In that memorandum, Flanigan "described presidential

non-enforcement authority in sweeping terms that would seem to allow the President to refuse to enforce any law that in his view is unconstitutional." In addition to blurring the traditional separation of powers, this radical philosophy leaves room for a dangerous arbitrariness in the enforcement of the law. It permits the ultimate authority in determining the constitutionality of a law not to lie with the judiciary, as the framers intended, but rather with the President—and his Office of White House Counsel.

Driving A Political Agenda

According to the *Legal Times*, Tim Flanigan was "on the ground in Tallahassee on November 8th,"¹⁴ part of the inner core of top Republican operatives planning strategy to install Bush in the White House. A partner at the Washington office of White & Case,¹⁵ Flanigan went on to represent the Bush/ Cheney team in the Florida Supreme Court and then teamed up with Ted Olson in *Bush v. Gore* in the United States Supreme Court.

Flanigan had played an obscure role in the Clinton-Bush presidential race in 1992. Then White House Counsel C. Boyden Gray consulted Flanigan, who was Assistant Attorney General in the Justice Department's Office of Legal Counsel, about obtaining Clinton's passport files to find politically damaging information in time for the campaign season.¹⁶ Later, although questioning the Independent Counsel statute itself, Flanigan cheered on Federalist Society hero Ken Starr and defended his tactics, calling them "moderate and appropriate."¹⁷

Flanigan's drive to carry out the political agenda of the Right through the law has long been evident. In the lead-up to the 1992 Supreme Court decision in *Planned Parenthood v. Casey*, Congress proposed the Freedom of Choice Act to preserve the intent of *Roe v. Wade*. As

then Acting Assistant Attorney General in the Bush, Sr. administration, Flanigan weighed in against the bill and its resultant protection for a woman's constitutional right to reproductive health care.¹⁸

Called "one of [Dick] Armey's best minds,"¹⁹ Flanigan supported a radical House bill in 1995 proposed by Rep. David McIntosh (R-IN), co-founder of the Federalist Society,²⁰ and two others to prohibit the use of federal funds for so-called political advocacy by nonprofit groups. Although Flanigan claimed the initiative was impartial, McIntosh specifically highlighted the American Bar Association, the Alliance for Justice, and the Nature Conservancy as examples of groups improperly receiving federal funding.



Timothy E. Flanigan

Over 350 nonprofit groups opposed the measure, including the Girl Scouts, the American Red Cross, and the American Heart Association, calling it "a charity gag rule" and "part of a larger effort to defund the left."²¹

In Flanigan's congressional testimony in support of the bill, he specifically cited *Rust v. Sullivan*²² to support the Istook-McIntosh-Ehrlich proposal. The highly controversial 1991 Rust decision upheld regulations issued by the Department of Health and Human Services (HHS) prohibiting any recipient of Title X funds

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from participating in abortion-related planning services.²³ Also at issue in the Istook proposal, the Rust Court held that the HHS regulations properly extended to cover even private funds that were allocated to a Title X project—in addition to the public funds—received by Title X recipients. Effectively, this prohibited *all* dollars in any Title X project from being used for abortion-related services.²⁴

A Good Soldier

Flanigan's loyalty to the Federalist Society was never more apparent than when the organization began to come under attack earlier this year. In response to the Society's negative publicity, Flanigan stated, "I find it offensive someone should suggest something nefarious about this group."²⁵ It is worth noting that Flanigan has been receiving Federalist Society funds for several years. From 1996 to 1998, Flanigan received \$723,470 to act as a "research consultant."²⁶ According to the *New York Times*, Flanigan was receiving Federalist Society funds to write an authorized biography of Chief Justice Warren Burger as Director of the Warren Burger Biography Project.²⁷ Flanigan was a senior clerk to the Chief Justice in 1985-86.

As mentioned above, Flanigan is affiliated with other conservative legal institutes as well. In 1995 and 1996, for example, Flanigan argued two states' rights cases on behalf of the Washington Legal Foundation (WLF), a right-wing education and litigation group. The Legal Policy Advisory Board of WLF includes judicial nominee Prof. Michael McConnell and several Federalist Society members—among them Barbara Olson, Ted Olson's late wife. The chair of the Board is former Attorney General Richard Thornburgh, who delivered a key address at the Federalist Society's Annual Lawyers Banquet in November 2000.

In 1997 congressional testimony on the subject of judicial activism, Flanigan

stated as one of his "qualifications" his service on the Board of Advisors of the Project on the Judiciary of the ultra-conservative Ethics and Public Policy Center (EPPC).²⁸ The Center's Board of Directors includes Princeton Professor Robert George, outgoing chair of the Federalist Society's Religious Liberties Practice Group Executive Committee and author of *In Defense of Natural Law*, among other publications.²⁹ The Iran-Contra figure Elliot Abrams served as president of the EPPC until his recent appointment by President Bush as Senior Director of the National Security Council's Office for Democracy, Human Rights and International Operations.³⁰ The EPPC's law program has received significant funding from the right-wing Scaife and Bradley foundations.³¹

Also serving with Flanigan on the EPPC's Project on the Judiciary³² were a number of Federalist Society leaders, including co-founder Steven G. Calabresi; Civil Rights Practice Group chair Charles Cooper; National Practitioner's Council member (and current Deputy Attorney General) Larry Thompson; Board of Visitors members Solicitor General Theodore Olson, C. Boyden Gray, Ed Meese, Lillian BeVier, and Gerald Walpin; and judicial nominee Michael McConnell.

Director of the Project on the Judiciary was R. Alexander Acosta, currently Acting Deputy Assistant Attorney General in Ashcroft's Department of Justice (DOJ). Indicating the radical nature of the Project's ultra-conservative agenda, Acosta noted as a possible remedy for so-called judicial activism that "[s]ome in Congress have even called for constitutional amendments to restructure and weaken the courts."³³ Acosta, a past Federalist Society panelist and listed on the Federalist Society's "Journalists' Guide to Media Experts,"³⁴ oversees the work of the "special litigation section" of the DOJ and is heavily involved in reviewing all pending litigation—in effect, acting as an ideological policeman for the Bush administration.³⁵

Judicial Activism

While Flanigan claims not to use political litmus tests, he has stated that Bush wants judges who support a litany of conservative buzz words indicating right-wing ideologies such as "a strict constructionist" reading of the Constitution. Flanigan looks for candidates who support what he terms "neutral principles" of justice³⁶ — the so-called originalist view of the Constitution, which does not necessarily encompass such post-1781 Supreme Court decisions as *Brown v. Board of Education* or *Roe v. Wade*.

Flanigan shares the extremist world view of Federalist Society guiding light and board member Robert Bork. In Flanigan's review of Robert Bork's book *Slouching Towards Gomorrah: Modern Liberalism and American Decline* for the Federalist Society's "Recommended Reading" list, he states that he "cannot disagree with [Bork's] summation of the condition of our culture."³⁷ Flanigan cites with approval Bork's assertion that "Courts in general, and the Supreme Court in particular, are most culpable for the decline.... By abandoning traditional rules of judicial restraint and interpretation and giving themselves over to the imposition of their own liberal policy preferences... judges have assumed a profoundly anti-democratic role. They have become arsonists who use their offices as accelerants, hastening the spread of the fire of modern liberalism."³⁸

In addition to vesting hope in a "religious reawakening," Flanigan sympathetically considers a sweeping shift in the foundational principle of separation of powers: "Instead [Bork] suggests amending the Constitution to give Congress power to overrule any decision of any state or federal court."³⁹ Flanigan's critique of Bork's proposal is primarily pragmatic. He states that Bork's proposal is flawed in assuming that the composition of Congress would be such that it could "rein in the liberal excesses of the courts"—meaning that there would be enough ultra-conservative Congressmen

to direct Congress' actions accordingly. Flanigan's other major concern with Bork's far-reaching proposal is in its assumption that Congress could responsibly manage its increased power.⁴⁰ However, he is not alarmed by the highly radical nature of its underlying scheme to alter the balance of power established by the Founding Fathers.

As another means for limiting "judicial activism," in the previously mentioned congressional testimony, Flanigan referred to the idea of applying the Prison Litigation Reform Act (PLRA) to the public school system, hospitals, and public housing as "a promising approach."⁴¹ Signed into law in 1996, the PLRA was highly controversial as it weakened traditional constitutional and statutory protections for prisoners through the severe restrictions it placed on judges.⁴² Concerned legal organizations warned that the PLRA collapsed the traditional separation of powers between the legislative and judicial branches and posed a serious threat to the independence of the judiciary.

It is suggestive that Flanigan proposed that this PLRA approach also be applied to judicial oversight of public school systems and public housing, thereby limiting the possible scope of rulings by judges while facilitating the states' ability to avoid compliance with federal enforcement mechanisms, such as school desegregation orders. The result of Flanigan's proposal would be to severely decrease the constitutional and statutory protections that have historically been in effect in these arenas. Flanigan went on to suggest that an added effect might be a reduced need for federal judges — hinting at a significant downsizing of the federal judiciary, resulting in an even greater shift of power to the states.

Strengthening States Rights

As the right wing of the legal movement gains momentum and this shift in power to the state courts grows increasingly

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*Aiding Flanigan in the judicial selection process is "a cadre of young lawyers who have a strong ideological commitment to conservative jurisprudence."*⁵¹

• **ASSOCIATE COUNSEL BRADFORD BERENSON:** Berenson has a consistent history of conservative activism. He has served as the Federalist Society vice chairman of programs for the Criminal Law and Procedure Practice Group, and as both a Federalist Society moderator and writer. While president of the College Republicans at Yale University, Berenson referred to a strike by clerical workers as a "test case" for comparable worth, which he called a "feminist route to socialism." After receiving his J.D. from Harvard Law School, Berenson clerked for Judge Laurence Silberman (D.C. Circuit), and then Justice Anthony Kennedy on the Supreme Court. Previously at Sidley & Austin, the white-collar criminal defense attorney became well known in conservative circles during the impeachment controversy as a conservative pundit in defense of Kenneth Starr's techniques, commenting, "This wasn't a perjury trap. It was a slam-dunk perjury case."

• **ASSISTANT COUNSEL NOEL FRANCISCO:** Francisco has served as the Federalist Society Chairman of the Civil Rights Practice Group sub-committee on Employment Law and Government Contracts. Francisco attended the University of Chicago and went on to receive his J.D. from its School of Law in 1996. He clerked for Hon. J. Michael Luttig of the Fourth Circuit (often mentioned as a potential Bush nominee for the Supreme Court), and then Justice Antonin Scalia, 1997-98. Before joining the administration, he was with the conservative law firm of Cooper, Carvin & Rosenthal, started by Federalist Society Civil Rights Practice Group leaders Charles Cooper and Michael Carvin — also two of the leaders of the right-wing "public interest" law movement. In his short career, Francisco has already credentialized himself with the Right through his work with Cooper on a school desegregation case in which they sought an end to federal oversight of previously segregated schools.

• **ASSOCIATE COUNSEL BRETT KAVANAUGH:** Kavanaugh has participated in several Federalist Society events in recent years, charting a distinctly conservative path throughout his legal career. After graduating from Yale for both undergraduate and law school, Kavanaugh clerked for Judge Walter Stapleton (Third Circuit) and then Judge Alex Kozinski (Ninth Circuit) before clerking for Justice Kennedy in 1993. After a year with Kenneth Starr in the Office of Solicitor General in the first Bush administration, Kavanaugh became associate counsel in the Office of Independent Counsel in the Whitewater investigation from 1994 to 1998. Before joining the current administration, he was an attorney at Starr's firm, Kirkland and Ellis.

Kavanaugh recently defended Jeb Bush in *Bush v. Holmes*, a lawsuit challenging a controversial school voucher program in Florida; served as an attorney for the relatives in the Elian Gonzalez case against the Immigration and Naturalization Service;⁵² filed an amicus brief against a race-based voting program in Hawaii,⁵³ siding with Linda Chavez, the long-time opponent of affirmative action and outspoken proponent of the English-only movement; and submitted an amicus brief in the Good News Club case, arguing that the public school district's refusal to allow an evangelizing Christian youth group to use its premises was discriminatory and in violation of the Constitution's First Amendment right to free speech.⁵⁴

• **ASSOCIATE COUNSEL CHRISTOPHER BARTOLOMUCCI:** Bartolomucci received degrees from Dartmouth and Harvard Law School before becoming counsel for the Senate Whitewater investigation committee. He was a partner at Hogan & Hartson, with Bush judicial nominee John G. Roberts, for just nine days when tapped by the Bush team to join the Office of White House Counsel. Bartolomucci's conservative credentials include his 2000 amicus brief in opposition to government affirmative action programs in the *Adarand v. Slater* case recently granted certiorari by the Supreme Court.

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more probable, the Federalist Society will be ready. In a March 2001 Federalist Society conference entitled "Picking State Judges: Who and How," the group announced the launch of the Federalist Society State Judiciaries Project to begin a concerted effort of targeting the state courts, in addition to the federal judiciary.

In line with the Federalist Society's promotion of Clint Bolick,⁴³ author of *The Affirmative Action Fraud*, in 1997 Flanigan sounded a familiar Federalist Society theme: Flanigan "applaud[ed]" a bill introduced by Senator Strom Thurmond (R-NC) to strip the federal courts of their ability to order local governments to provide funding to remedy constitutional violations, as in school desegregation cases. In calling "[j]udicial taxation... repugnant to democratic processes,"⁴⁴ Flanigan demonstrated his desire to strip the court of its enforcement mechanism—a key mechanism that had enabled the courts to guarantee the critical gains of the civil rights era.

The Church/State Divide

Separation of church and state is particularly of concern during this momentous period when religious right networks developed over the past twenty years are now poised to tear down the wall between religion and government—notably through Bush's Office of Faith-Based and Community Initiatives (OFB-CI), which seeks to dispense millions of federal dollars to religious organizations to carry out government functions.⁴⁵

Although Flanigan's views on faith-based initiatives are not known, in his review of Bork's *Slouching Towards Gomorrah* he agrees with Bork's assertion that hope for stemming the decline of our culture "lies in a religious reawakening."⁴⁶ In 1997 he was one of a handful of members of the Mormon Church singled out for a "Religious Freedom

Advisory Committee," convened by the Church's general counsel to give advice for a "LDS [Latter-day Saints] response" to the Supreme Court's *City of Boerne v. Flores* decision holding the Religious Freedom Restoration Act unconstitutional, much to their dismay.⁴⁷ In 1998, Flanigan wrote an article for a Brigham Young Law School publication in which he described America's history of religious intolerance toward Mormons, focusing on the 1862 Morrill Act, which outlined punishment for the act of bigamy. He characterized the Supreme Court's decision upholding the criminalization of bigamy as "remarkable."⁴⁸

Shifting Rightward

Right-wing legal networks such as the Federalist Society and others have been waiting in the wings, quietly building up human and monetary resources in anticipation of seizing power and steering the American judicial system sharply to the right. When the leading lights of the Federalist Society such as Ted Olson, Timothy Flanigan, Douglas Cox, Michael Carvin,⁴⁹ James Bopp, Jr.⁵⁰ and others were arguing on behalf of Bush for the election of 2000, they were not just arguing for access to the presidency but for their entire conservative agenda, which they are now poised to implement. With the Office of White House Counsel under the control of Gonzales, Flanigan, Bartolomucci, Berenson, Kavanaugh, and Francisco, the contours of the federal judiciary—and the direction of American jurisprudence itself—are now rapidly shifting in an ominous direction.

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Endnotes

¹ For further information on the Federalist Society, see Julie R. F. Gerchik, "Slouching Towards Extremism: The Federalist Society and the Transformation of American Jurisprudence," *IDS Insights*, Vol. 1, Issue 2;

Institute for Democracy Studies, *The Federalist Society and the Challenge to a Democratic Jurisprudence* (January 2001).

² "Washington Talk: White House; The Importance of the Counsel: What he does and when he does it," *New York Times*, March 26, 1987.

³ Fielding currently serves on the American Bar Association (ABA) Standing Committee on Federal Judiciary (the body that recommends the official ABA rating for judicial nominees) and is a past Federalist Society panelist. "American Bar Association Standing Committee on Federal Judiciary 2000-2001," *American Bar Association Public Affairs list*, July 12, 2001.

⁴ "Keeping Counsel: Alberto Gonzales moves from Texas to Washington with Bush," ABC News.com, http://204.202.137.113/sections/politics/DailyNews/profile_gonzales.html, December 20, 2000.

⁵ Cris Feldman, Texans for Public Justice, quoted in "Texas Supreme Court Justice Al Gonzales to be White House counsel," *The Deseret News*, December 18, 2000.

⁶ Chitra Ragavan, "Bush's legal eagle, rising with the son," U.S. News.com, <http://www.usnews.com/usnews/issue/010312/gonzales.htm>, March 12, 2001.

⁷ Miles Moffett; Dianna Hunt, "Halliburton gifts target areas where it has stake, records show," *The Fort Worth Star-Telegram*, July 29, 2000; Nathan Newman, "Was the Fix In? New White House Counsel Accused of Favoritism for Cheney's Halliburton," *Common Dreams*, December 18, 2000, <http://www.common-dreams.org/views/121800-105.htm>.

⁸ "The Federalist Society Lawyers Division Leadership Directory 1997-1998," p. 123.

⁹ C. Boyden Gray currently serves on the Federalist Society's Board of Visitors, formerly served on its Board of Trustees, and additionally serves as Chair of the Federalist Society's Business Advisory Council. The Federalist Society website, <http://www.fed-soc.org/boardofvisitors.htm> and <http://www.fed-soc.org/businessadvisorycouncil.htm>, downloaded August 14, 2001.

¹⁰ Dana Milbank, "White House Counsel Office Now Full of Clinton Legal Foes," *Washington Post*, January 30, 2001.

¹¹ Timothy E. Flanigan, "Statement of Timothy E. Flanigan Before the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary of the United States Senate," July 29, 1997.

¹² *Ibid.*

¹³ Dawn E. Johnsen, "The Constitution Under Clinton: A Critical Assessment: Presidential Non-Enforcement of Constitutionally Objectionable Statutes," 63 *Law & Contemp. Prob.* 7, Winter/ Spring, 2000.

¹⁴ Vanessa Blum, "White & Case: GOP House Counsel," *Legal Time*, November 20, 2000.

¹⁵ Early in Flanigan's career he specialized as a corporate and international lawyer at the law firm of Shearman & Sterling, where he worked on several European privatization cases. Flanigan's later firm associations included Milbank, Tweed, Hadley & McCloy; Jones, Day, Reavis, & Pogue; and Mayer, Brown & Platt. He joined White & Case as a partner in June 2000.

¹⁶ The end decision was that this was not an appropriate course of action. Walter Pincus, "Independent Counsel Calls '92 Clinton Passport Search 'Stupid' but Not Illegal," *Washington Post*, December 1, 1995.

¹⁷ Dana Milbank, "White House Counsel Office Now Full of Clinton Legal Foes," *Washington Post*, January 30, 2001.

¹⁸ Karen Schneider, "Abortion-rights backers push bill

to negate any court setback," *Houston Chronicle*, March 5, 1992.

¹⁹ T.R. Goldman, "Army's Nonprofit Reform Army," *Legal Times*, September 25, 1995.

²⁰ See "Slouching Towards Extremism: The Federalist Society and the Transformation of American Jurisprudence.

²¹ Karen W. Arenson, "Legislation Would Expand Restrictions on Political Advocacy by Charities," *New York Times*, August 7, 1995.

²² *Rust v. Sullivan*, 111 S.Ct. 1759 (1991).

²³ Title X of the Public Health Service Act of 1970 was signed into law by President Nixon. It was enacted to guarantee federal funding for reproductive health care services for low-income women.

²⁴ Timothy E. Flanigan, "Prepared Testimony of Timothy E. Flanigan, Esq., Before the House Committee on Government Reform and Oversight Subcommittee On National Economic Growth, Natural Resources, and Regulatory Affairs," *Federal News Services*, August 2, 1995.

²⁵ Neil A. Lewis, "A Conservative Legal Group Thrives in Bush's Washington," *New York Times*, April 18, 2001.

²⁶ IRS Form 990, Calendar Year 1996, 1997, 1998.

²⁷ According to the *New York Times*, the principal funder of the Project is Dwight D. Opperman of Minnesota, who is chairman emeritus of West Publishing Company, publishers of Westlaw services—one of the two largest legal publishers in the country. See Neil A. Lewis, "A Conservative Legal Group Thrives in Bush's Washington," *New York Times*, April 18, 2001. The Dwight D. Opperman Foundation funds the National Legal Center for the Public Interest, a right-wing organization focusing on issues of public policy and the law, whose leadership includes Joseph Coors, Casper Weinberger, and such Federalist Society notables as Charles Cooper, C. Boyden Gray, Kenneth Starr, and Eugene Meyer, Executive Director of the Federalist Society. "Leadership: Board of Directors," National Legal Center for the Public Interest website, <http://www.nlcpi.org/lead.htm> June 26, 2001.

²⁸ Timothy E. Flanigan, "Statement of Timothy E. Flanigan before the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary of the United States Senate," July 29, 1997.

²⁹ Other members of the Board of Directors for the Ethics and Public Policy Center include Jeane J. Kirkpatrick and Father Richard John Neuhaus, the president of the right wing Institute on Religion and Public Life. "Board of Directors," Ethics and Public Policy Center, http://www.eppc.org/staff/board_directors.asp, July 10, 2001.

³⁰ For further information on Abrams, see accompanying article by Lee Cokorinos and Gillian Kane.

³¹ "Ethics and Public Policy Center, Inc.," *Media Transparency*, http://www.mediatransparency.org/search_results/eppc_results.htm, July 10, 2001.

³² EPPC's Project on the Judiciary, in existence from 1997-2000, "addressed the increasing activism of the federal judiciary," employing a politically conservative interpretation of the concept of "judicial activism." Through speeches and opinion pieces, the Project on the Judiciary is responsible in part for the mainstreaming of the right-wing use of the term "judicial activism." Ethics and Public Policy Center website, http://www.eppc.org/programs/xq/ASP/projectID.24/qx/prog_viewdetail.htm, downloaded August 24, 2001. R. Alexander Acosta, "The Judiciary and Citizenship,"

Ethics and Public Policy Center website, http://www.eppc.org/publications/xq/ASP/pubsID.119/qx/pubs_viewdetail.htm, downloaded August 24, 2001.

³³ R. Alexander Acosta, "The Judiciary and Citizenship," Ethics and Public Policy Center website, http://www.eppc.org/publications/xq/ASP/pubsID.119/qx/pubs_viewdetail.htm, downloaded August 24, 2001.

³⁴ "Journalists' Guide to Media Experts," The Federalist Society for Law & Public Policy website, <http://www.fed-soc.org/mediaguide.html>, July 12, 2001.

³⁵ "Ashcroft Trying To Remake Image Among African-Americans," *The Bulletin's Frontrunner*, April 23, 2001.

³⁶ "Finding and Keeping Good Federal Judges," lunch address at U.S. Chamber of Commerce conference entitled "State Judicial Elections: Past, Present, and Future," April 18, 2001.

³⁷ Timothy E. Flanigan, "Recommended Reading: Robert H. Bork's *Slouching Towards Gomorrah*, *Modern Liberalism and American Decline*, The Federalist Society for Law & Public Policy website, <http://www.fed-soc.org/bork.htm>, July 12, 2001.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Timothy E. Flanigan, "Statement of Timothy E. Flanigan Before the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary of the United States Senate," July 29, 1997.

⁴² Through the PLRA, Congress placed tighter restrictions on a judge's ability to find violations of prisoner's rights, and placed time restraints on federal judges' responses to requests by state officials to terminate federal oversight of prison conditions. If a judge failed to respond within the designated time frame, an "automatic stay" went into effect, essentially reversing the judge's previous order.

⁴³ Institute for Democracy Studies, *The Assault on Diversity: Behind the Challenges to Racial and Gender Remedies* (December 1999).

⁴⁴ Timothy E. Flanigan, "Statement of Timothy E.

Flanigan Before the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary of the United States Senate," July 29, 1997.

⁴⁵ See accompanying article by Lewis C. Daly.

⁴⁶ Timothy E. Flanigan, "Recommended Reading: Robert H. Bork's *Slouching Towards Gomorrah*, *Modern Liberalism and American Decline*," The Federalist Society for Law & Public Policy website, <http://www.fed-soc.org/bork.htm>, July 12, 2001.

⁴⁷ W. Cole Durham, Jr., "Religious Freedom and the LDS Law Community," *Clark Memorandum*, J. Reuben Clark Law School, Brigham Young University, Spring/Summer 1998, p. 23.

⁴⁸ Timothy E. Flanigan, "Weimar on the Wasatch? Mormon Political Alienation and the Search for Power," *Clark Memorandum*, J. Reuben Clark Law School, Brigham Young University, Spring/Summer 1998, p. 24.

⁴⁹ *The Assault on Diversity: Behind the Challenges to Racial and Gender Remedies*.

⁵⁰ Julie R. F. Gerchik, "The Man in the Smoke-Filled Room: Attorney James Bopp, Jr. Fights Campaign Finance Reform for the Religious Right and the Republican Party," *IDS Insights*, Vol. 1, Issue 1.

⁵¹ Neil A. Lewis, "President Moves Quickly on Judgeships," *New York Times*, March 11, 2001.

⁵² Karen DeYoung, "Elian Kin Petition High Court; Asylum Hearing Sought in Last-Ditch Effort Before Bar on Departure Expires," *Washington Post*, June 27, 2000.

⁵³ Warren Richey, "New case may clarify court's stand on race," *Christian Science Monitor*, October 6, 1999.

⁵⁴ *Good News Club v. Milford Central School*, 2001 U.S. LEXIS 4312 (2001). Illustrating the importance of strategic litigation, one of the key amicus briefs for the *Good News* case was submitted by Jay Sekulow, lead counsel for Pat Robertson's American Center for Law and Justice. With an income of more than \$8.5 million in 1999, ACLJ is the foremost Christian right legal organization targeting the separation of church and state.

FROM DOMESTIC TO FOREIGN POLICY

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Since assuming the presidency, Bush has been culling the staffs of anti-choice organizations to fill important government posts and staff key national committees, thereby elevating these individuals from leaders of the right wing movement to official representatives of the U.S. government. The process has been ensured by the appointment of Kay James, formerly head of Virginia Right to Life Committee and former Dean of Pat Robertson's School of Government, as director of the White House Office of Personnel Management. This new "formalization" threatens to empower anti-choice networks in a way never before seen in this country. Furthermore,

through their international access at the United Nations and other global forums, they are poised to extend themselves aggressively worldwide.

Shaping the Agenda

Among those who will be leading the right-wing assault from Washington are a veteran insider and two D.C. newcomers: Elliott Abrams, John Klink, and Andrew Natsios.

Elliott Abrams has been appointed to the critically important post of Senior Director for Democracy, Human Rights,

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and International Operations at the National Security Council. Perhaps best known for his involvement in the Iran-Contra scandal, resulting in a guilty plea for withholding information from Congress, Abrams led a rich afterlife looking after the interests of the religious right. From 1990 to 1996, Abrams was a Senior Fellow at the Hudson Institute, and in 1996 he was appointed head of the Ethics and Public Policy Center (EPPC)—a right-wing think tank established in 1976 by Ernest Lefebvre.

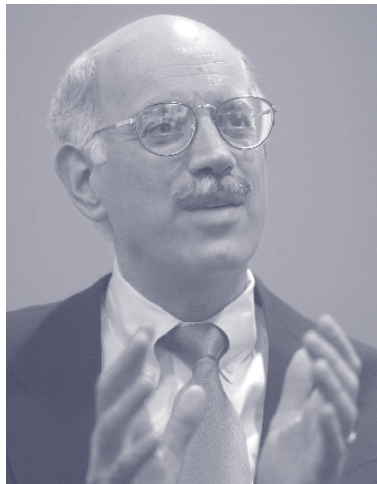
By virtue of his new position, Abrams is now the point man for these organizations on foreign policy issues, and reproductive rights will likely be an early target. Indeed, in a newly published book edited by Abrams, *The Influence of Faith: Religious Groups and U.S. Foreign Policy* (based on a series of conferences paid for by the Smith Richardson Foundation), Abrams argues that, whether foreign policy “realists” like it or not, “religion is now one of the organizing principles behind American policy.”¹

John Klink is being considered to head the State Department’s office on Population, Migration, and Refugees, the key post regarding policy debates and practices on global reproductive healthcare.² The U.S. has played a very energetic role in promoting reproductive healthcare in recent years. The loss of this constructive voice will dramatically change the reproductive rights landscape, not least because Klink may move from being one of the most visible opponents of U.S. government policy to being a key formulator of that policy.

Klink is a veteran Vatican operative, whose intimate knowledge of Vatican diplomatic strategy (and contacts) will put him in a unique position to informally support its diplomacy while wearing an official U.S. diplomatic hat. If confirmed, he can be expected to work in unprecedented harmony with NGOs and government delegations to support this strategy in policy areas affecting global

reproductive healthcare. In November 1996, while Klink was adviser to the Vatican Mission to the United Nations, the Vatican suspended its contribution to UNICEF over the agency’s alleged advocacy of abortion. Klink maintained that the Vatican considered all post-coital birth control to be abortion.³ Klink has also served as a member of the Republican National Committee’s Catholic Task Force. His wife, Patricia, serves on the Board of Councilors of the Sovereign Military Order of Malta, a right-wing Catholic lay organization.⁴

Andrew Natsios has been named to the very important post of head of the U.S. Agency for International Development. USAID plays a crucial role at the delivery end of the spectrum for U.S. reproductive healthcare services, since it funds



Andrew Natsios
Photo: AP/Worldwide

the NGOs that directly deliver these services (and that in turn subcontract with other NGOs). This role has been recognized in a recent lawsuit filed against the Bush administration’s “gag rule” policy regarding abortion, which names Natsios as a principal respondent.⁵

From 1993 to 1998, Natsios was Vice President of World Vision U.S. and Executive Director of World Vision Relief and Development,⁶ one of the largest religious mission organizations in the world.⁷ Natsios is also an enthusiastic

supporter of religious NGOs, writing in Abrams’ new book (see above) that “more than secular NGOs, FNGOs [i.e., faith-based NGOs] will take risks and innovate in policy making and programming, which can be helpful in situations where geostrategic options have run out.”⁸ According to the *Boston Globe*, Natsios’ voting record as a Massachusetts state representative was “strictly prolife,” and he “dismissed concerns for women’s rights and abortion as ‘issues of the upper middle class.’”⁹

Mobilizing the Networks

As the *National Catholic Register*, the weekly newspaper of the right-wing Catholic order the Legionaries of Christ, trumpeted recently, “It’s a whole new world at the United Nations.”¹⁰ Within a short time, the Bush administration has been moving the top opponents of reproductive rights and gender equality into key positions in its official delegations to international conferences. Whereas U.S. delegates to international conferences were formerly selected from such mainstream organizations as the American Public Health Association, American Medical Association, and American Nurses Association, today these delegations consist primarily of those with close ties to the religious right. The difference, of course, is profound.

What follows is a partial list of those recently chosen to represent the United States at international conferences:

- **Jeanne Head**, the U.N. representative of the International Right to Life Federation (IRLF) and a board member of the National Right to Life Committee, was named as an adviser to the official U.S. delegation to the 54th World Health Assembly (the governing body of the World Health Organization) in Geneva, May 14-22, 2001. IRLF is playing a key linking role to far-right European antiabortion networks that are aggressively spreading out through Eastern Europe.



Kent R. Hill

• **Scott Evertz**, who worked in the mid-1980s to raise funds for Wisconsin Right to Life,¹¹ is an ally of the fervently anti-choice Secretary of Health and Human Services Tommy Thompson. Evertz is now head of the White House AIDS office. He was part of the official delegation to the UNAIDS-USAIDS Coordinating Board Meeting (Geneva, May 30-June 1, 2001), and served as senior advisor to the U.S. delegation to the U.N. Special Session on AIDS, which followed.

• **Kent R. Hill** has been nominated Assistant Administrator of USAID for Europe and Eurasia. Hill, currently President of Eastern Nazarene College in Quincy, Massachusetts, was one of the key signers of an important 1994 document widely known as "Evangelicals and Catholics Together." This document declared united opposition to abortion rights and favored what it called the "right ordering of civil society." From 1986 to 1992 Hill was Executive Director of the Washington-based Institute on Religion and Democracy (IRD), which attempted to smear the U.S. peace movement, Central American solidarity movement, and South Africa's anti-apartheid movement as being under Communist control.¹² Hill is still listed as a member of the board of directors of IRD.

The Right, the U.N., and Children

Of particular concern is the prominent role that the Bush administration has given to antiabortion activists regarding children's issues. The administration has focused on children — both opposing efforts to defend children's rights on the one hand, and on the other trying to apply the legal status of a child to a fetus in an effort to undermine abortion rights.¹³ Note, for example, the administration's six appointments to the preparatory committee meeting ("prepcom") to the now postponed U.N. Special Session on Children, listed below. The conference, to have been held at U.N. Headquarters in New York (September 19-21), has been billed as "a global meeting of government leaders...to discuss how to build a world fit for children."¹⁴ For the Right, the conference, rescheduled to take place in 2002, affords a major opportunity to advance and codify its anti-choice agenda nationally and internationally.

• **Paul J. Bonicelli**, Dean of Academic Affairs at the far-right Patrick Henry College. Michael Farris, a radical home schooling advocate and veteran of Beverly LaHaye's Concerned Women for America, founded Patrick Henry College. Attorney General Ashcroft's wife, Janet, sits on its board.

• **Serge Duss**, Director of Public Policy and Government Relations for World Vision U.S. From 1991 to 1994, Duss was World Vision director for the territory of the former Soviet Union, setting up relief and development programs in five republics. Since returning to the United States he has also worked with the Center for Public Justice,¹⁵ serving on the steering committee of its Religious Social Sector Project. The director of this project, Stanley Carlson-Thies, is Associate Director of Law and Policy in the White House Office of Faith-Based and Community Initiatives.

• **John Robert Flores**, the Bush nominee for administrator of the Justice Department's Office of Juvenile Justice and Delinquency Prevention. Flores is Vice President and Senior Counsel at the National Law Center for Children and Families, a right-wing pressure group founded by the National Coalition for the Protection of Children & Families (formerly the National Coalition Against Pornography). The Arthur S. DeMoss Foundation, one of the key foundations backing the religious far right, heavily funds the coalition. The board of Flores' organization includes its chairman, John Stumbo of the Institute on Religion and Democracy; Thomas Blee, a board member of the Catholic League; and Ambassador Joe M. Rodgers, a member of President Reagan's Foreign Intelligence Advisory Board.¹⁶

• **William Saunders**, human rights counsel and Senior Fellow for Human Life Studies at the Family Research Council. Saunders also serves as Vice Chair of the Federalist Society's religious liberties practice group.

• **Pedro Moreno**, Director of the South American office of the Rutherford Institute and now a consultant to the Administration for Children and Families of the Department of Health and Human Services. Moreno has pointed to potential restrictions on corporal punishment of children by the European Court of Human Rights as an example of human rights law run amok.¹⁷

• **Michelle DeKonty**, Sen. Jesse Helms' staff person for abortion and social welfare issues. After briefing a meeting at Patrick Henry College (March 29, 2001) "on the latest efforts to stop the U.N. Convention on the Rights of the Child,"¹⁸ DeKonty was added to the U.S. delegation. It is worth noting that the U.N. Convention on the Rights of the Child was the product of the U.N.'s 1990

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World Summit on Children, attended by some 160 heads of state, including then President George Bush, Sr. To date, only two nations in the world have failed to ratify this convention: the United States and Somalia.

Global Players

Beyond gaining the ability to influence U.S. government policy, right-wing leaders who have moved into government posts or consultant/adviser status in international forums are able to pursue a two-pronged assault, both state-led and unofficial, on reproductive rights. To understand how this works, it is necessary to look at it bit closer at their networking efforts, since they will now be operating in tandem with the Bush foreign policy apparatus.

INTERNATIONAL RIGHT TO LIFE FEDERATION (IRLF)

While the antiabortion forces are consolidating their influence in the Bush administration—both domestically and internationally—informal global antiabortion structures are being strengthened and new structures are being put into place. The International Right to Life Federation (IRLF) has played a significant role in parallel sets of international conferences that have sought to consolidate an international front of antiabortion activity. The first is the series organized under the rubric of the biannual World Congress on the Family (which last met in Geneva in 1999, and will meet again in 2002).¹⁹ Paul Weyrich, a top leader of the religious right, has referred to the World Congress of Families as “growing into one of the most respected (from our friends) and feared (from our opponents) organizations on earth.”²⁰

Secondly, since 1995 an annual series of antiabortion and anti-euthanasia conferences have been held in the Netherlands, spearheaded by the International Right to Life Federation. These conferences

include some of the top leaders of the North American and European antiabortion movement. As noted above, Jeanne Head, the IRLF’s U.N. representative, served as adviser to the Bush administration’s delegation to the governing body of the World Health Organization.²¹

The organizations that gather annually in the Netherlands are successfully exporting a radical political model developed in the U.S., and are experiencing exceptional success in Eastern Europe, particularly Poland and the former Soviet Union. The IRLF coordinates these meetings with the Dutch far-right antiabortion group, Schreeuw om Leven (Cry for Life). Dr. John Willke, President of IRLF, and his wife, Barbara, have been active in the anti-choice movement since 1971, when they founded the Ohio Right to Life Society. Willke founded IRLF in Washington, D.C., in 1984, during his tenure as President of the National Right to Life Committee (NRLC). Although IRLF is a distinct entity from the NRLC, the latter contributes staff and funds to assist IRLF’s efforts and Willke serves on the board of directors of the NRLC—which since 1994 has received nearly \$1 million from institutions linked to the Republican Party.²²

The IRLF is made up of “eleven international divisions from which each of the eleven regional board members are selected.”²³ The United States representative to the IRLF board is Beverly LaHaye, founding president of Concerned Women for America (CWA), one of the largest far-right evangelical women’s organizations in the United States.²⁴ Recent appointments to the IRLF board have included Senator Francisco Tatad of the Philippines (for the Pacific Rim),²⁵ Lech Kowalewski of Human Life International Europa,²⁶ and Dr. Talmir Rodrigues from Brazil (representing Latin America).

IRLF works closely with a number of European-based right-wing antiabortion organizations, including the London-based Society for the Protection of the Unborn Children, Cry for Life, Human

Life International Europa, and World Federation of Doctors Who Respect Human Life. According to Jeanne Head, IRLF is a “world wide Federation of pro-life organizations from over 170 countries.”²⁷ In addition to the Netherlands, the Federation has several centers of operation, including Cincinnati, Lausanne, and Rome, and maintains a close working relationship with the NRLC²⁸ from which it receives funds.²⁹ Wanda Franz, the current President of the NRLC, has represented IRLF.³⁰

Several U.S.-based antiabortion organizations support the work of IRLF, including the American Life League, which has contributed a percentage of their funds to IRLF.³¹ Human Life International is involved with the IRLF through its regional office for Southern Africa. Dr. Claude Newbury, Executive Director of HLI Africa, is a member of the Federation.

In addition to the IRLF, Willke founded Life Issues Institute Inc. (LII) to serve as his domestic antiabortion education organization. He recruited Bradley Mattes, the former assistant director for the NRLC political action committee (NRL PAC), to work with him.³² At the first Hague meeting in 1995, it was determined that LII would be “a clearing house for all effective materials on pro-life issues,”³³ and Mattes was designated coordinator of this effort.

SOCIETY FOR THE PROTECTION OF UNBORN CHILDREN (SPUC)

One of IRLF’s most important affiliates, the London-based SPUC, is very active at the Netherlands conferences and was one of the early leaders of antiabortion lobbying at the United Nations. Founded in 1967 by Phyllis Bowman, its purpose was “to examine existing or proposed laws, legislation or regulations relating to abortion and to support or oppose such as appropriate.”³⁴ Bowman worked closely with Fr. Paul Marx, founder of Human Life International.³⁵ A 1999 controversy within SPUC led to Bowman’s resignation and her replacement by John Smeaton, a Catholic associated with the

Vatican's Pontifical Council for the Family.³⁶ This change in leadership has marked a significant turn, bringing it more into line with Vatican positions on contraception and sexuality, which previously had not occupied as prominent a place in SPUC's advocacy program.

In recent years, in addition to the six Netherlands conferences, comparable, more regionally focused meetings have been taking place throughout Eastern Europe. These conferences are also organized by the IRLF, which is working with area anti-choice groups. Many of these conferences are sanctioned and supported by the hierarchy of the Catholic Church.

HLI EUROPA

The most significant antiabortion organization closely tied to the Catholic Church and political parties in Poland is Human Life International Europa, run by the Polish couple Lech and Ewa Kowalewski. (Ewa Kowalewska was responsible for setting up HLI's Gdansk office in 1993.) HLI Europa claims "its most important work is providing professional training to pro-life activists from the entire region."³⁷ The Polish Federation of Pro-Life Movements, a network of approximately 110 groups, assists the group in achieving its mission. The Kowalewskis have participated in many of the Netherlands conferences, and at the 2000 meeting made the introduction and "call to action."

Abortion had been legal in Poland until the early 1990s (up to 12 weeks from date of conception), when Catholic groups launched a campaign to illegalize it. From 1992 to 1996 legal abortion became practically inaccessible as a result of a code of medical ethics passed by the country's physicians, and a 1993 government law. After three years of debate the law was considerably liberalized in August 1996—but this in turn was overturned by the Constitutional Tribunal in 1997, which severely restricted access to abortion. The Kowalewskis played a key role in fighting against lib-

eralization of the legal regime governing abortion. Using tactics similar to those employed by the HLI's direct action crusaders in the U.S., Eva Kowalewska and other activists picketed clinics in Poland that provided abortions under the liberalized system in 1997, effectively preventing the law from having its intended effect.³⁸ Continued agitation by the Kowalewskis and others contributed to the climate in which the Constitutional Tribunal overturned the 1996 law.

In addition to providing training, HLI Europa has coordinated HLI's Mary Corps program throughout Eastern Europe. The main goal of this project is to convert non-Catholics. They maintain that, "This conversion is intended not only to re-Christianize, but also to teach the life issues... to assist in spreading the pro-family message to all countries in Eastern Europe."³⁹

A May 2001 Warsaw conference jointly sponsored by HLI Europa and IRLF indicates the degree of high-level cooperation between church and secular politicians to push an anti-choice agenda through Eastern Europe. The "International Congress for the Dignity of a Child" brought together prominent figures such as Cardinal Alfonso Lopez Trujillo, president of the Pontifical Council for the Family, Polish Primate Cardinal Jozef Glemp, and Prime Minister Jerzy Buzek.

Dr. Willke of IRLF is a frequent visitor to Poland, and works closely with the Kowalewskis. He credits Poland's success to a combination of factors, including "superb pro-life leadership" and "Pope John Paul II, a Pole himself...whose opposition to abortion has been flat-out, total and continuous."⁴⁰ He also claims that his own book, *Abortion Questions & Answers*, "was probably the single most significant tool that helped them change their abortion law."⁴¹

Conclusion

Nationally, the Bush administration continues to promote the people and agenda

of the antiabortion movement, both at home and abroad. The Netherlands conferences are building momentum, and new "International Networking Pro-Life Services" are being organized. Upcoming conferences will be taking place in Poland, South Africa, France, India, China, and, of course, the Netherlands, where the 7th International Conference will be held in The Hague this fall. As participants learn from the successes of Poland and from the organizing skills of veteran leaders such as Dr. Willke, the pro-choice community can anticipate continued global challenges to reproductive rights.

Lee Cokorinos is Research Director at the Institute for Democracy Studies. Gillian Kane has been Program Associate at the Institute, and is returning to university to pursue a degree in Latin American Studies.

Endnotes

1 (Rowman & Littlefield, 2001), introduction by Abrams.

2 See Catholic Family and Human Rights Institute, "Top Negotiator Expected To Be Named To Key US State Department Post," *Friday Fax*, Volume 4, Number 23, May 25, 2001.

3 "Vatican Suspends UNICEF Contribution, Citing Birth Control Issues," *Associated Press*, November 5, 1996.

4 Sovereign Military Order of Malta, Liturgy and Solemn Investiture Ceremony program, January 14, 2000. On SMOM and the contras see Francoise Hervet, "The Sovereign Military Order of Malta," *Covert Action Information Bulletin*, No. 25 (Winter 1986), pp. 27-38; and Martin A. Lee, "Who Are the Knights of Malta?" *National Catholic Reporter*, October 14, 1983.

5 See the complaint filed in *Center for Reproductive Law and Policy v. Bush*, at www.crlp.org/pdf/060601ggr_complaint.pdf.

6 Abrams, ed., op. cit., p. 189.

7 In 1980-81, World Vision was accused by the Catholic relief agency CARITAS and the National Evangelical Emergency Committee (CEDEN) of cooperating with the Salvadoran and Honduran government in their efforts to track down and kill Salvadorans who had fled from the security forces of their country (see evangelical author David Stoll, *Is Latin America Turning Protestant?*, University of California Press, 1990). In 1981, President Reagan appointed John Negroponte ambassador to Honduras to oversee the use of that country as a staging ground for U.S. efforts to overthrow the Nicaraguan government (see, for example, Sara Diamond, *Spiritual Warfare: The Politics of the Christian Right*, South End Press, 1989). Negroponte is now the newly appointed U.S. ambassador to the U.N.

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106 ► ***The Trials of 1999: The Cutting Edge of Right-wing Power in the Presbyterian Church (USA)*. November 1999 (11 pages) \$5.**

Important background to the anti-gay ecclesiastical trials that took place in the fall of 1999 within the Presbyterian Church (USA). In the trials, driven by the rightist Presbyterian Coalition, conservatives attacked holy union ceremonies for gay couples and sought to enforce the church's ban on gay ordination.

107 ► ***Taking Aim: The Conservatives' Bid for Power in the Presbyterian Church Entering Advanced Stage*. October 1999 (7 pages) \$5.**

An expose of the plan by the Presbyterian Coalition, the key alliance of rightist factions within the Presbyterian Church (USA), to take over the church, purge its more liberal elements, and turn it into a conservative evangelical denomination.

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Update and expanded report on Priests for Life (PFL). The Vatican-supported PFL is emerging as a leader within the U.S. antiabortion movement. While Fr. Frank Pavone, international director of PFL, presents a moderate face to the public, he and his organization endorse illegal activities and are linked to extreme elements in the antichoice movement. This report highlights the leadership and structures behind this growing and influential group.

109 ► ***The Global Assault on Reproductive Rights: A Crucial Turning Point*. May 2000 (35 pages; includes a glossary) \$15.**

This briefing paper profiles three leading international organizations that seek to roll back reproductive rights and health care provision for women. Human Life International, the Population Research Institute, and the Catholic Family and Human Rights Institute are examined, along with new developments in the global networking of the wider religious right,

as exemplified by the Second World Congress of Families, held in Geneva in 1999.

110 > *Antifeminist Organizations: Institutionalizing the Backlash.* April 2000 (38 pages; includes a glossary) \$15.

A study of five conservative, antifeminist women's groups: the Ecumenical Coalition on Women and Society, Christians for Biblical Equality, the Council on Biblical Manhood and Womanhood, the Independent Women's Forum, and the Women's Freedom Network. Exploring their leadership, funding bases, political ties, goals, and initiatives, this paper demonstrates that these groups constitute a potent and growing force.

111 > *The American Life League Enters Mexico: Recruiting Anti-Choice Activists for U.S. Right-wing Goals.* July 1999 (23 pages) \$5.

Background on one of the largest anti-abortion rights organizations in the U.S., the American Life League (ALL), its leaders and various divisions. The report is a response to ALL's opening of two offices in Mexico and its growing activism and cadre recruitment in that country.

PROMISE KEEPERS RESOURCES:

112 > *Promise Keepers: The Third Wave of the American Religious Right.* November 1996 (23 pages) \$15.

This report explores the leadership, financial backing, organizational structure, and political strategy of the conservative men-only religious revival network, Promise Keepers, which preaches submission of wives to their husbands. The report explodes a series of myths about the organization and exposes its anti-democratic agenda.

113 > (Video) *Promise Keepers: The Third Wave of the American Religious Right.* 1997 (20 minutes) \$15.

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⁸ Abrams, ed., op.cit., p. 200.

⁹ *Boston Globe*, February 7, 2001.

¹⁰ Joshua Mercer, "Sea Change at the U.N.—The U.S. is Pro-Life," *National Catholic Register*, July 1-7, 2001.

¹¹ See "Gay Republican Will Run White House AIDS Office," *New York Times*, April 9, 2001.

¹² Sara Diamond, *Spiritual Warfare*.

¹³ "Counting the Fetus as an Unborn Child," *New York Times*, editorial, July 7, 2001. On the Bush administration's efforts to define fetuses as children and allow them to qualify for a government health insurance plan, see Michael McCarthy, "Bush administration to push for health insurance for the 'unborn,'" *The Lancet*, Vol. 358, p. 132 (July 14, 2001).

¹⁴ "United Nations Special Session on Children," UNICEF web site, July 17, 2001, www.unicef.org/specialsession.

¹⁵ See accompanying article by Lewis C. Daly.

¹⁶ National Law Center for Children and Families, IRS form 990 for 1998.

¹⁷ David Wagner, "U.N. Courts Could Tip Scales," *Insight on the News*, February 2, 1998, p. 22.

¹⁸ Patrick Henry College website, www.nche.hslda.org/docs/news/hslda/200105042.asp (July 17, 2001).

¹⁹ See Institute for Democracy Studies, *The Global Assault on Reproductive Rights* (May 2000).

²⁰ World Congress of Families website, July 27, 2001, www.worldcongress.org.

²¹ See Institute for Democracy Studies, *Priests for Life: A New Era in Antiabortion Activism* (April 2001). This briefing paper includes a chart tracing some of the connections between the IRLF and the enormous domes-

tic political infrastructure of National Right to Life Committee, and documents NRLC links to the Republican Party and the Presidential campaign.

²² Ibid.

²³ J. C. Willke, "The U.N. An Evil Institution?" *Life Issues Connector*, Life Issues Institute website, October 1997, www.lifeissues.org/connector/97oct.html.

²⁴ "IRTLF Welcomes New Board Member," International Right to Life Federation, Inc. newsletter, Vol. 9, No. 5, Life Issues Institute website, October 24, 2000.

²⁵ J. C. Willke, op. cit.

²⁶ For a further discussion see Institute for Democracy Studies, *The Global Assault on Reproductive Rights* (May 2000).

²⁷ Jeanne Head, "Speech to Fourth World Conference on Women: Beijing, China, September 7, 1995" United Nations website, October 26, 2000, www.un.org/esa/gopherdata/conf/fwcw/conf/ngo/11174846.txt.

²⁸ NRLC's legal counsel, James Bopp Jr., has been a speaker at several of IRLF's international conferences, including the first Netherlands conference in Amsterdam in 1995.

²⁹ "Statement of Functional Expenses," National Right to Life Educational Trust Fund Annual Report 1999, p. 29.

³⁰ Wanda Franz, "Wantedness and Social Justice," Abortion Essay website, October 26, 2000, www.abortionessay.com/files/Wantedness.html. Franz attended the 1994 U.N.-sponsored International Conference on Population and Development in Cairo on behalf of the IRLF.

³¹ American Life League, "Annual Report" (American Life League, Stafford, VA), January 1997. See "The American Life League Enters Mexico: Recruiting Anti-Choice Activists for U.S. Right-Wing Goals" (New York:

Institute for Democracy Studies, 1999).

³² Jane Prendergast, "Anti-Abortion Movement's Founder Unveils National Campaign," *Cincinnati Enquirer*, June 12, 1991.

³³ "Collecting, Documentation and Communication of Pro-Life Materials," Proposal and Conclusions of 1995 International Conference on Life Threatening Euthanasia Development in the Netherlands and Abroad, October 1995.

³⁴ "Aims of the Society," Society for the Protection of Unborn Children website, October 24, 2000.

³⁵ Fr. Paul Marx, *Faithful for Life* (Human Life International, 1997), p.53. In 1973 Bowman and Marx met in Rome to discuss starting an international antiabortion organization.

³⁶ Cardinal Alfonso Lopez Trujillo, "Evangelium Vitae and the Pro-Life Movement," Eternal World Television Network website, www.ewtn.com/library/CURIA/TRUJEV.HTM.

³⁷ Chet Lewandowski, "HLI Europa: Fighting the Culture of Death in Central and Eastern Europe," *HLI Reports*, November 1997.

³⁸ Daniel Broessler, "Despite new laws, the stigma of abortion stays strong in Poland," *Deutsche Presse-Agentur*, March 4, 1997.

³⁹ "HLI's Programs: Saving Lives Worldwide," *HLI Reports*, August 1996; HLI website, June 17, 2001, www.hli.org/publications/index.html.

⁴⁰ Dr. John Willke, "Poland Part IV," *Radio Transcript Life Issues* No. 2364; Life Issues International website, www.lifeissues.org/radio/r2000/r0007/lr2364.html.

⁴¹ Dr. John Willke, "Poland Part III" *Radio Transcript Life Issues* No. 2363, Life Issues International website; www.lifeissues.org/radio/r2000/r00-07/lr2363.html

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