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**Lobbying; Christian Right and Two
Presidencies of George W. Bush**

Diplomová práce

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Anotace

Diplomová práce „Lobbying; Christian Right and two presidencies of George W. Bush“ se zabývá vztahem prezidenta Geore W. Bushe a konzervativních křesťanských skupin, takzvaných evangelikálů. Práce pojednává o některých klíčových postojích konzervativní křesťanské pravice k důležitým společenským tématům, jako je například legislativa týkající se potratů, výzkumu kmenových buněk lidských embryí a tyto postoje porovnává s politickými rozhodnutími presidenta Bushe. Cílem je přitom posoudit míru vlivu těchto skupin na jeho politiku.

Část této práce je věnována roli křesťanské pravice na průběh voleb a to jak voleb presidentských v roce 2000 a 2004, tak také voleb do Kongresu Spojených států. Částečně je práce také věnována způsobu získávání peněz na volební kampaně a zaměřuje se taktéž na jiné způsoby, jakými se křesťanská pravice snaží ovlivnit volební výsledek.

Poměrně velká část této práce je také věnována programu takzvaných náboženských a komunitních iniciativ, program částečně iniciovaný prezidentem Bushem a jeho administrativou prezentovaný jako osobní úspěch presidenta. Práce se zabývá důsledky tohoto programu na náboženské skupiny i americkou společnost.

Annotation

Diploma thesis “Lobbying; Christian Right and two presidencies of George W. Bush“ is dealing with the relation between president George W. Bush and evangelical groups. The work observes stances of the Christian Right on crucial issues and policies, such as the legislature on abortion, human embryonic research and compares these with the political decisions of the president. The reason for this is to qualify the influence of these groups on his politics.

A section of the thesis is dedicated to the role of Christian Right groups during both the presidential elections in 2000 and 2004 and also Congressional midterm election. It deals with methods of collecting and donating money by the Christian Right groups and

also with other possibilities of political and issue campaigning that are used by the Christian Right.

A comparatively large section of the work is also dedicated to faith-based and community initiatives program and the consequences to faith-based organizations in the United States.

Klíčová slova

lobbying, George W. Bush, křesťanská pravice, ideologická lobby, náboženské iniciativy

Keywords

Lobbying, George W. Bush, Christian Right, ideological lobby, faith-based initiatives

Prohlášení

1. Prohlašuji, že jsem předkládanou práci zpracovala samostatně a použila jen uvedené prameny a literaturu.
2. Souhlasím s tím, aby práce byla zpřístupněna veřejnosti pro účely výzkumu a studia.

V Praze dne 21. 5. 2010

Helena Schulzová

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Introduction

Democracy is, according to a rather famous bon mot not perfect, but it is the best political system that we have known so far. Yet, there are great obstacles to democracy. One of the most vivid weaknesses as well as at the same time strengths of the democratic system is that it has to accommodate heterogeneous thoughts, ideas, and preferences of its citizens. Democracy needs to constantly balance between two great threats; one that could be called tyranny of the majority and the other threat that is represented by various kinds of tyranny of the minority. If the democratic system fails and slips towards any of the extremities, it will lose its profound nature and will discredit itself.

Since it is inevitable to avoid clash of conflicting thoughts, every democratic society tends to develop groups of citizens that are trying to affect public opinion and public governance in various ways. And these groups and individuals are naturally trying to affect the political landscape of their countries and put decision-makers under pressure through equally diverse means; some legal, some ethically questionable, and some even beyond legality. It was James Madison in one of his famous Federalist papers in 1788 who described his fear of the somewhat corrupt nature of the humankind, which does not apply only to those who govern, but also those who are subjected to the government. *“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”*¹ Hence, in consequence, interest groups are inevitable to every democratic society; they can be helpful, and at the same time they constitute an instant threat to the democratic system.

Lobbying is, and has been, for a long time a field with great spending in every democratic country. However, the United States is by far at the peak of how much money is dedicated to lobbying efforts. According to recent estimates by the Center for Responsive Politics, a nonpartisan research group that has played the role of federal lobbying watchdog organization over the two last decades, the sum of money that has been spent on federal lobbying in the United States during the first quarter of 2010 is

¹ Federalist paper no. 51, publius

well over \$900 million². The majority of money and energy spent that is being spend on lobbying in the United States is directed at business related topics; in 2009 and 2010, that has been mainly commerce, finance, energy, and health care.

It is not always financial profit or some kind of allurements of power that motivates people to lobby, nevertheless, lobbying and interest groups are to a large degree connected with businesses. A separate sector of lobbying, which is in the United States called single issue lobbying or rather ideology lobbying, does not top the charts of financial endowment and yet it has the power to change American society. Ideological lobbying together with grassroots actions constitutes a way, how the lawmakers can be influenced, and therefore a means to promote significant social changes. Contrary to mass actions such as the civil rights movement, lobbying for ideological issues is to some degree hidden from the public the public eye and is often only monitored by various watchdog organizations, organizations and of opposing ideology, and organizations and individuals that are directly involved in the same issue lobbying.

The situation has however somewhat changed during the two presidencies of George Walker Bush and now, much attention is paid to lobbying. The actions of the so-called K Street, the seat of most powerful lobbying companies in Washington DC, have been under a much greater scrutiny. This is connected with three specific issues. First and foremost, new legislation has passed that made it possible to at least to some extent trace the flow of money from the K Street to the Capitol Hill. Secondly, new media and the Internet had made it possible practically to track lobbying, the information on lobbying is now easily accessible to anyone.

Third important issue concerns specifically ideological lobbying and single issue lobbying as such; president George W. Bush had been vocal about his specific religious beliefs. During presidential campaigns, he had received endorsement by some controversial religious leaders in the United States and some of these have also contributed financially to his presidential campaigns.

President Bush has publically proclaimed that he thinks of himself as a “born-again” Christian, who found his own faith in later period of life, and he has stated that religion helped him to overcome some of the most difficult stages of his life. His public claims

² Eggen, Dan: *Lobbyists spent nearly \$1 billion in Q1*; The Washington Post; (April 29, 2010)

of religiosity and open sympathies to conservative Christianity were most probably a deciding factor towards his election for both the first and the second presidential mandate.

George W. Bush especially during his reelection campaign had managed to collect a large portion of vote by religious conservative Americans. In fact, president Bush was benefitting from support of some major Christian Right leaders, and the so-called evangelicals, already in 2000 during the race for Republican Party nomination. Most notably, he gained an overwhelming portion of Christian Coalition vote³ whereas John McCain, his rival for nomination, denounced some of crucial Christian Right figures of American society and lowered his chances for nomination. In reaction against critique from conservative positions within the GOP, he “*shot back at his attackers, calling Pat Robertson and Jerry Falwell, two leaders of the religious right, "agents of intolerance." That is what got the headlines, and gave the Christian conservative wing of the Republican Party another strong reason to vote against him.*”⁴ The alienation of fundamentalist Christians by McCain helped George W. Bush to win the Republican nomination to presidential election.

Christian votes also helped George W. Bush tremendously during the campaign to his reelection. The team for president’s reelection was systematically working on getting evangelical and born-again Christians to vote. The campaign succeeded and the turnout of these voters increased in 2004 presidential election by a large number, according to estimates, 78% voted for president Bush.⁵ For the reelection team, it was a matter of learning from the experience of 2000 election. They were trying to increase the Republican electorate and to concentrate on the Christian Right was a logical step. This included telephone campaigns focused on Americans, who attend church on regular basis. In other words: “*Republican strategists blamed themselves for not getting*

<http://voices.washingtonpost.com/44/2010/04/lobbyists-spent-nearly-1-billi.html>

³ Wayne, Stephen J.; *The Road to the White House 2008: The Politics of Presidential Elections*. 8th ed., Thomson Wadsworth, 2008. p 163

⁴ Mitchell, Alison: *THE 2000 CAMPAIGN: THE QUEST; Birth and Death of the 'Straight Talk Express,' From Gamble to Gamble*; The New York Times (March 11, 2000) <http://www.nytimes.com/2000/03/11/us/2000-campaign-quest-birth-death-straight-talk-express-gamble-gamble.html?pagewanted=3>

⁵ Pika, Joseph A., Maltese, John Anthony; *The Politics of the Presidency*, CQ Press, 2008, p. 71

out the maximum Christian fundamentalist vote in 2000. They were determined not to repeat this tactical error again.”⁶

Without much doubt, it is evident that the religious voters were important if not crucial for the election and subsequent reelection of president Bush in 2000 and 2004. Christian Right and all various organizations that are commonly covered by this term, found themselves in the center of attention of mainstream media in the United States⁷. The question was obvious: what was the extent of influence of the Christian Right on president Bush? President owed the movement much; did he offer something in return? How large is the say of fundamentalist Christian leaders in politics when president Bush was in the office?

Since the Christian Right is considered to be an extreme movement within American society and is often blamed for bigotry⁸, its influence in corridors of power became a very striking question for many Americans. However, even though American presidential system with its checks and balances is designed to offer the president a lot of powers, these exclude most of the legislative power. The role of the president of the United States is quite limited when it comes to legislation. The function allows to sign or veto a bill, or else to return it to the Congress and express his objections. President's powers are mainly executive; there has been an evolution in the perception of what exactly are the powers of president in the United States and over time, the executive branch has reached a stronger position than what was originally intended by the constitution. Yet, there are some other privileges that are possessed by the president; the president has the prerogative to issue executive orders and nominate all federal judges including the judges of the Supreme Court of the United States. Over the time of presidencies of George W. Bush, one of the biggest questions among liberal

⁶ Wayne, Stephen J.; *The Road to the White House 2008: The Politics of Presidential Elections*. 8th ed., Thomson Wadsworth, 2008. p 237

⁷ for example the Time magazine has dedicated to the topic a special 'Evangelicals in America' <http://www.time.com/time/covers/1101050207/>, similarly the New York Times offers 'Times topics: Evangelism' http://topics.nytimes.com/topics/reference/timestopics/subjects/e/evangelical_movement/index.html?scp=1-spot&sq=evangelicals&st=nyt

⁸ Kristof, Nicholas D.: *Hug an evangelical*; The New York Times (April 24, 2004): "Sensitive liberals who avoid expressions like "ghetto blaster," because that might be racially offensive, blithely dismiss conservative Christians as "Jesus freaks" or "fanatics."

Americans was to what extent will George W. Bush use his presidential powers to please the evangelicals. And another striking question was, what are the evangelicals doing to make the president and other politicians work in line with their wishes.

One of the possible ways of influencing political life of the country is to organize in an interest group and create pressure on those, who have the decision power. The Christian Right has a history of well-organized groups that focus on specific issues. Organization of the movement through the Moral Majority as such has been less successful, even though there have been several attempts to unify the evangelical movement. During the both presidencies of George W. Bush, there have been various Christian Right interest groups and lobbies, that were active in the Congress and other corridors of power among Washington DC.

The presidencies of George W. Bush were for various reasons, some less and some more accurate, being connected with the Christian Right lobby in the media. Some of the more left-wing media was concerned with the Christian Right to an extreme point and some were producing various conspiracy theories. Christian Right launched its own media and was spreading similar theories about the leftist journalists. The fights were sometimes anything but concerned with facts.

Even though the Christian Right is connected with a lot of media hype, it is a very interesting case of minority lobbying. I consider the Christian Right in a way a very representative case of single issue lobbying and ideological lobbying and therefore I will examine it in this work. Yet, I recognize, that Christian Right is not the only ideological lobby, which is present in Washington DC. As I have mentioned beforehand, ideological lobbying is not even the dominant lobbying in the country. But what makes it more interesting from the point of political science is the fact that ideological lobbying per se is not secretive with its aims. It is therefore possible to track down to what extent the politicians oblige to concrete interests of the lobby.

My aim in this work is to define, to what extent did the Christian Right really influence lawmaking on the federal level in the United States. Thanks to the disclosure acts of the last decade, it is possible to a large degree to determine which lobby group was active in certain issue, what laws were they concerned about and how much money they dedicated to this concern. It is utterly impossible to get a complete picture, since the records that are available are only a testimony of the lobbying that was undertaken

legally. It is impossible to cover lobbying that was tackled through some less official ways or even through bribery. Nevertheless, the picture that we get by mapping the specific issues, which were in the center of attention of the Christian Right groups and by connecting activities of these groups with the legislative results, could to a large degree show a more accurate picture of the reality, than the one that we get in newspaper. To achieve this, I will also observe campaign financing and some of Christian Right engagement with the judiciary.

I will dedicate a section of this work to executive activities of president G.W. Bush to compare his actions with preferences of religious groups. To get a more complete picture, I also devoted a part of this work to the 'faith-based initiatives', which have become a flagship of Christian commitment of president Bush.

For the needs of this work and for above-mentioned reasons, I will only focus on the Christian Right in the United States. However, I recognize the presence of other ideological lobbying and also lobbying that is connected with other religious groups. It is not only conservative Christian circles, which are fighting for their tasks on the Capitol Hill and around the White House. Liberal and moderate Christian groups also have their say in lobbying and influencing of policy making.

Yet another distinctive religious group, which has great alleged or factual influence on American federal politics, is the Jewish minority in the United States. However, I will not devote attention to Jewish lobby in this work for two reasons. First, the scope of this work does not allow me to focus on more religious groups, with their distinctive structures and background that generally differs tremendously from the Christian. Second reason, next the extent and depth of this work, is the issues, which the Jewish lobby is targeting. Jewish interest groups are specific in their focus on foreign politics of the United States. Foreign politics is only minor agenda for most Christian groups, and if they get engaged in foreign policy lobbying, it is to a great deal devoted to charitable work, human rights, or support of Christians in other parts of the world. Jewish lobby is distinctive in its logical focus on the security of the state of Israel, American relations with the country, and with the peace process in the Middle East. Interestingly enough, the Christian Right to some extent supports the position of Jewish lobby on Israel, but the scope of engagement of Christian Right in these issues

is rather limited. On the contrary, the focus on domestic issues in the case of Jewish interest groups is minor and is mostly connected with anti-defamation activities.

I am fully aware that the actions of another religious interest groups and in particular the Jewish interest groups are worth a deeper attention. Especially since the Jewish lobby is to a great extent subjected to mythicising, which is similar to the Christian Right activities in the United States, more than ever during the both presidencies of George W. Bush.

When writing about ideological lobbying, I need to explain the terminology of lobbying and different approaches to its definition. The Lobbying Disclosure Act of 1995 in section 3 offers a narrow definition of lobbying and lobbying activities.⁹ I, in this work, use a much broader definition that is offered for example by New Oxford American Dictionary, which defines lobbying as to: “*seek to influence (a politician or public official) on an issue*”.¹⁰ This broader definition, which includes in lobbying all actions, which seek to influence public officials, is used by various established scholars on lobbying, namely Mark A. Peterson of UCLA and Kathryn Dunn Tenpas of the Brookings Institution.



When it comes to sources of literature, the problem is the overwhelming flood of books and articles of various qualities, rather than lack of sources. The Christian Right was the topic of several best-selling journalist books and limitless amount of scandal literature, which lacks any informational value.

Among the scholarly literature, the choice is not so rich, since the topic is still very fresh. There are some academic articles on the topic of Christian Right and president George W. Bush. For context of the movement, I focused also on older articles on the Moral Majority and rise of evangelicalism in the United States. Since I did not intend to write about the merit of the movement - of the faith, I did not turn to more religion-centered literature. Evangelicalism is in the work more of a case study of minority interests rather than object of research.

⁹ SEC. 3. [2 U.S.C. 1602] Definitions (7), Lobbying Disclosure Act of 1995, Public Law 104 - 65, (H.R. 2564) 104th Congress

One of the best sources on the topic of president's religiousness and religious politics is 'Faith and the Presidency' by Gary Scott Smith, published by Oxford University Press. The book is dealing with religiousness in the White House over the history and a section that is devoted to George W. Bush was very helpful. Otherwise I was using mostly monographic texts on lobbying, for example 'The Interest Group Connection' by collective of authors. Another important share of the literature that I was using was dedicated to American presidency and the process of presidential election. Probably one of the best authors on recent political campaigning is professor Stephen Wayne of Georgetown University. I drawn from his 'The Road to the White House 2008', a monographic piece that is very detailed both in theory and includes facts on the 2000 and 2004 election. Another excellent source proved to be 'The Politics of the Presidency' by Joseph Pika and John Anthony Maltese that presents a great insight into the executive politics.

Since the topic of my work is still so new, I turned to a great deal to primary literature. I used various official materials and reports from the White House, speeches by president Bush, legislative material, and executive orders. Of the official material, I intended to use reports, which are filled obligatorily by lobbyists on their lobbying activities in both the Congress and the executive branch. However, the original material that is made public by the Office of the Clerk of U.S. House of Representatives, but the records are very hard to search through, because the search options are very poor. Thus, I found an excellent source on webpage of Center for Responsive Politics. The Center for Responsive Politics is a non-profit think tank, that organizes and publishes online on 'Opensecrets.org' the same official records that are made available by the Office of the Clerk, but are utilized.

Yet another source of information for my work were primary materials issued by both evangelical organizations and their liberal counterparts. For reference and facts, I also used the New York Times and the Washington Post articles. Out of these, I would only mention a series of articles by David Kirkpatrick of the New York Times, which were outstanding, next to many less balanced and more judgmental pieces.

¹⁰ *New Oxford American Dictionary*, Oxford University Press, second ed. (March 2005)

1 The Christian Right and evangelicalism in America

Before I will start speaking about the Christian Right and evangelicalism or evangelism in the United States, I should define, what I understand under that term. Especially evangelism and evangelicalism need to be defined, because these terms have several historical definitions and the terms could be applied to diverse movements in various countries in different historical periods. I, however, use this term strictly in the current meaning, which applies only to the movement in the United States and is defined for example by Random House Webster's College Dictionary: "*designating Christians, esp. since the 1970s, who hold to conservative but not necessarily literal interpretation of Bible.*"¹¹ Another source, the Encyclopedia of Religion, defines 'evangelical' as "*American political fundamentalism.*"¹² The definition is therefore a sociological category rather than theological.

Yet, historically, there have been different connotations that were connected with the term 'evangelicalism' and 'evangelism.' For example according to the New Catholic Encyclopedia, evangelicalism in the United States is a theological term: "*movement as a whole was characterized by anti-intellectualism and biblical literalism*"¹³ and was represented for example by writings of Samuel S. Schmucker and Philip Schaff. Later in the 20th century, evangelicalism was, according to the New Catholic Encyclopedia, represented by a pivotal work by Carl F.H. Henry called '*The Uneasy Conscience of Modern Fundamentalism*', which was published in 1947. Evangelicalism or evangelism is a term that could be also found in connection with reformation in Great Britain and Germany.

The use of the term evangelism and evangelicalism in this work is, however, strictly connected with the current meaning, as it is defined by Random House Webster's College Dictionary. Evangelism and evangelicalism in this definition are equivalent terms and are interchangeable.

¹¹ *Random House Webster's College Dictionary*; Glencoe edition; Random House 1991

¹² *The Encyclopedia of Religion, Volume 5*; MacMillan Publishing Company 1987, p. 196

¹³ *New Catholic Encyclopedia, second edition, 5 Ead – Fre*; Thomson Gale 2003, p.473

1.1 The Christian Right and evangelicalism in America

Whereas the vast majority of Europe tends to be less and less religious, downplaying the influence of religion in most of European countries, the United States remains comparatively very religious. The influence of various kinds of Christianity has even grown during the last 50 years, but religion has kept a significant position in the United States since the first settlements on the continent. The decreasing religiosity in Europe can be attributed to various social factors, and certainly is not universal; the United States is a very different case and next to the Old Continent seems exceptionally strong in its religiousness.

Though, even the U.S. is geographically and demographically heterogeneous, but Americans are on the average generally very devoted to God (no matter what God it should be). And whereas the western parts of the United States seems less religious and shows a much bigger diversity in scale of religious beliefs, the Midwest and the South of the United States keeps its exceptionally strong religiousness. The state with the largest group of residents, who claim that they belong to any religion whatsoever, is Oregon with only 25% of atheists and agnostics, followed by Vermont with 24% and Washington with 22%.¹⁴ Just for comparison, less than 50% of Germans claim that they have any religion; the number is even smaller in the Great Britain with over 60% residents not belonging to any church organization¹⁵.

Nevertheless, even though Americans have various religious beliefs, varying from polytheism to monotheisms, Christianity is and has always been the prevailing religious identification of people, who hail from the United States. 78% of all Americans reportedly claim that they are Christian, meaning all Christian denominations including protestant and catholic together. However, the Gallup poll states: *“The percentage of Americans who identify as Catholic, Protestant, or some other non-Catholic Christian faith has been concomitantly decreasing over the years. This suggests that one of the major patterns of religious transition in America in recent decades has been the shift*

¹⁴ *Rhode Island Most Catholic, New York Most Jewish*; Gallup (August 7, 2009)
<http://www.gallup.com/video/122078/religion-state.aspx>

¹⁵ Gledhill, Ruth: *Most Britons belong to no Religion*; The Times Online (February 22, 2008) <http://www.timesonline.co.uk/tol/comment/faith/article3412734.ece>

*from identification as Christian to the status of having no specific religious identification”.*¹⁶

The very foundation of the United States has been traditionally based on the Protestant tradition, which came mostly from Anglo-Saxon countries of the ‘Old World’. The Catholic Church that has been extremely influential over most of the continental Europe has never been a major religious movement in the United States. This was probably also connected with the fact that it was brought to the country mainly by immigrants, who were coming from ‘the less desirable’ places across Europe. The demand for immigrants from certain parts of Europe was reflected for example in immigration quotas from 1921 and 1924, which were effectively restraining immigration from non-Anglo-Saxon countries to the U.S., Catholic Church therefore never rose in the United States to such a privileged position that it has maintained in Europe for over the last thousand years. The Catholic Church, though, is the church of an estimate of 24% of Americans and thus is the largest in the country.¹⁷

Even though Protestantism represents the largest group of believers in the United States with slightly over half of Americans claiming to be protestant¹⁸, it has never grown to become a homogenous strong movement, compared to Catholic Church in Europe. The term Protestantism covers in fact various different denominations from Quakers and Presbyterians to Southern Baptists

Regarding religion, Americans also differ to most of the inhabitants of the Europe in the fact that about astonishing 15% of Americans switches their religious affiliation during the course of their lifetime. Certainly, this could be partially explained by numerous religious intermarriages, when one of the partners converts to the religion of the other spouse. However, in fact more Americans, who change their religious affiliation during their life, claim that they did it for the reason of feeling more satisfied and fulfilled by their new church. This is something quite unprecedented and explains to

¹⁶ Newport, Frank: *This Christmas, 78% Americans identify as Christians*; Gallup (December 24, 2009) <http://www.gallup.com/poll/124793/This-Christmas-78-Americans-Identify-Christian.aspx>

¹⁷ The total includes non-believers (approx. 4% of Americans)
The World Factbook, Central Intelligence Agency (April 22, 2010)
<https://www.cia.gov/library/publications/the-world-factbook/geos/us.html#People>

a large degree the popularity of many new, fast growing churches in the United States. These churches are often without any specific denomination, only united by a term 'born-again Christianity'. Besides this specific 'volatility' in their religious affiliation, Americans still claim, that their religion is very important to them.¹⁹ This has been repeatedly asserted by around 60% of American population over the last decade.

The inclination to change religious affiliation together with the stress of importance of their religious beliefs and strong religiosity as such create a very interesting religious environment in the United States and this constellation has proved to be ideal for growth of new churches. According to American Religious Identification Survey in 2008, 34% of adult Americans could be described as born-again Christians or Evangelicals.²⁰

How strong the religious belief in the United States is, can be for example depicted by the popularity of the so-called creationism or intelligent design theory, which is competing with the scientific Darwin's theory of evolution. According to a Gallup poll that took place in 2007, surprising 39% of Americans believe that creationism definitely reflects the reality and that human beings were created more or less in their present form within the last 10,000 years. Only 18% of Americans stated that evolution theory is definitely true, and 35% leaning towards the idea that evolution is probably true.²¹ In addition to that, creationism and 'intelligent design' that has been formulated as a compromise theory, has had a rather influential proponent in the person of the former president George W. Bush.²²

¹⁸ 51,3% Americans claim to be protestant The World Factbook, Central Intelligence Agency (April 22, 2010) <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html#People>

¹⁹ *Religion*; Gallup (May 5-7, 2006) <http://www.gallup.com/poll/1690/Religion.aspx>

²⁰ Kosmin, Barry A., Keysar, Ariela: *Summary Report; American Religious Identification Survey 2008*; Trinity College, Hartford, Connecticut (March 2009)

²¹ *Evolution, Creationism, Intelligent Design*; Gallup (May 8-11, 2008) <http://www.gallup.com/poll/21814/Evolution-Creationism-Intelligent-Design.aspx>

²² Baker, Peter, Slevin, Peter: *Bush Remarks On 'Intelligent Design' Theory Fuel Debate*, The Washington Post (August 3, 2005) <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/02/AR2005080201686.html>

1.2 The Rise of the Christian Right

The era of the Christian Right and evangelicals in the United States started approximately in the 1970s along with the presidency of Jimmy Carter. President Carter himself was a devoted Christian. His sister was a prominent religious personality and it was partly thanks to religious voters that president Carter ascended to the presidency. However, president Carter was not only a devoted Christian from the so-called 'Deep South', part of the 'Bible Belt' of the United States; he was also a Democrat with some quite liberal tendencies. The 1970s were a period of religious soar in the United States and prominent evangelical Protestants, mainly socially very conservative, were asking whether Carter was bearing the religious 'torch' with enough dignity and even more importantly, whether he was conservative enough. The conservative evangelical leaders, mainly close to the Republican Party, came to a decision that president Carter did not represent the Christian values that they found important and that he was not conservative enough.

Interestingly enough, even in 2009, protestant believers tend to be among the most conservative voters in the United States. The only other religious group that has showed a bigger tendency towards conservative choice when voting is members of the Church of Jesus Christ of Latter-Day Saints, more commonly known as the Mormons. 59% of Mormons claimed in a recent Gallup poll, that they are conservative. The next most conservative group were the Protestants with 46% believers claiming to be conservative and only 16% to be liberal.²³

It became a common opinion among many conservatives, that Carter was the major reason, why Christian vote was split between Republicans and Democrats. Religious Right was struggling and was too heterogeneous and unorganized to persuade conservative Christians to vote in large numbers for the Republican party. In 1978, a new religious-based pressure group was organized in the try to meet the goal of gaining more influence in the Congress as well as helping to organize conservative evangelical Christians better. The group was called the Christian Voice and was lead by five conservative pastors and personalities, namely Robert Grant, Paul Weyrich, Terry

²³ *Mormons Most Conservative Major Religious Group in U.S.*; Gallup (January 11, 2010) <http://www.gallup.com/poll/125021/Mormons-Conservative-Major-Religious-Group.aspx>

Dolan, Richard Viguerie and Philip Howard. However, the Christian Voice was not an organization with a clear structure and power-sharing system. Reverend Jerry Falwell, a major figure of the Christian Right, was gradually taking control over other major players in the organization and in consequence, Christian Voice gradually diminished on influence and cleared the place for a newly established group, the Moral Majority. *"In 1979 Weyrich coined the term "Moral Majority." Their goal was to politicize members of fundamentalist, Pentecostal and charismatic churches - a constituency that had been basically apolitical. Not all members of fundamentalist, Pentecostal and charismatic churches support the Religious Right, but those were the groups targeted by the New Right."*²⁴ Moral Majority is the beginning of 'New Christian Right' as we know it today.

Jerry Falwell became not only a spokesperson of the movement; he literally became the leading figure of Christian Right and retained a very prominent position in the movement until his death in 2007. At the beginning, Moral Majority's main task was to prevent Jimmy Carter from reelection. Even though Moral Majority seemed partisan, it actually gained support not only from religious and conservative Republicans, but support for the movement was in fact not determined by party-affiliation and obtained endorsement by conservative Democrats as well. This was achieved through a family – centered, socially conservative program of the movement. Among Moral Majority's priorities was to revoke the decision *Roe v. Wade* and to support of pro – life organizations, to promote family values, and to effectively prevent the Equal Rights Amendment from passing through the Congress. The most important goal of the Moral Majority was, however, less particular, it was nothing lesser than uniting conservative Christian from the entire United States and repeal liberal tendencies of American society of 1960s.

Jerry Falwell rose to 'stardom' not only through successes of the Moral Majority, but he also became famous for highly derogatory remarks on homosexuality, Jewish Americans and liberals. Nevertheless, no matter how controversial Falwell became over

²⁴ The Rise of the Religious Right in the Republican Party, The Theocracy Watch (February 2005) http://www.theocracywatch.org/taking_over.htm

three decades of public exposure, he certainly succeeded to unite conservative Christian movement in the United States.

Eventually, Moral Majority started to lose support during the presidency of Ronald Regan. Conservative voters felt any more need to mobilize, because they were to a large degree in agreement with Regan's social conservatism. Jerry Falwell finally dissolved Moral Majority in 1989, most of public support afterwards shifted to other movements and their charismatic leaders, such as James Dobson and Pat Robertson. Dobson, who has been the main figure of Focus on the Family, has risen to prominence among evangelical leaders. In fact, he was repeatedly described as one of the most influential Americans and certainly the most influential Christian Right personality²⁵ since he was closely linked to president George W. Bush and has endorsed his political campaigns.

Pat Robertson, other prominent evangelical Christian leader was even pursuing political career and was trying to reach GOP's nomination for presidential election, though he never succeeded in this objective.

The conservative Christian evangelical movement nowadays lacks unity and organization again and therefore, for example Mike Huckabee, who is himself a evangelical pastor and was one of presidential candidates during the election of 2008 failed to receive the nomination by GOP, because he did not get endorsement by majority of leading figures of the New Born Christian movement and the Christian vote was split between more candidates.

²⁵ Heilbrunn, Jacob: *The Gospel of Dobson*, The New York Times (May 27, 2007)
<http://www.nytimes.com/2007/05/27/books/review/Heilbrunn2-t.html?scp=1&sq=dobson+AND+bush&st=nyt>

2 The Role of religion in presidential politics and campaign tactics

It is not my endeavor to scrutinize the religious background of president Bush nor do I think it is truly possible or important. George W. Bush was certainly not the first American president, who was publicly showing his religious devotion. American politics have a long history of presidents with great religious affection. Over the course of the 20th century, it was for example Jimmy Carter. However, it was probably Woodrow Wilson, one of the most controversial American presidents, who was most outspoken about faith and God. Therefore, it is not unusual for American president to mention his faith. Though the first amendment of the Constitution of the United States of America is effectively banning the Congress from establishing a state religion; yet the presidents have never avoided speaking on the matters of faith.

Besides the fact that American presidents have expressed their religiousness publicly, it is also important to take into account another factor. American politics is first and foremost a constant fight for voters and for popular support. The country, with its specific presidential system, two-party rule, together with comparably low party loyalty, has a very tough political environment. Other important factor in American politics is 2-year cycle of midterm elections to the Congress on the federal level, together with state elections that are often used as sort of a barometer of popularity of the reigning party. This creates a situation that is by the political science called a 'permanent campaign'. Politicians are in a state of constant election campaign that is only eventually about to escalate right before the elections. The position of president could be even more complicated, since he needs support not only by electorate, but also by his own party members or eventually by some members of the party that is in opposition, to be able to pursue his goals.

Religious affiliation of presidential candidates has always been under scrutiny and played a large role. President Kennedy was the first catholic to serve in that function. His religion was an issue and if it was not for circumstances and performance of his opponents, he would probably never be elected. Catholic vote was therefore very important in the United States for a long time; after all, Catholics establish the largest denomination in the country. Presidential candidates had to rely on their vote, at least

until the election of 1988 and the candidacy of George H.W. Bush. At that time the first Bush, to become president, won the election by promoting typical Christian conservative values such as pro-life politics, school prayer and similar themes: *Should public school teachers be required to lead our children in the pledge of allegiance? My opponent says no — but I say yes. Should society be allowed to impose the death penalty on those who commit crimes of extraordinary cruelty and violence? My opponent says no — but I say yes. Should our children have the right to say a voluntary prayer, or even observe a moment of silence in the schools? My opponent says no — but I say yes. Should free men and women have the right to own a gun to protect their home? My opponent says no — but I say yes. Is it right to believe in the sanctity of life and protect the lives of innocent children? My opponent says no — but I say yes. We must change from abortion — to adoption. I have an adopted granddaughter. The day of her christening we wept with joy. I thank God her parents chose life.*²⁶ With the support of some of the most influential figures of the Christian Right, including the well-respected Billy Graham, and by accenting conservative values, George H.W. Bush was elected by the vast majority of evangelical vote in the country; even though he did not win the Catholics. George H.W. Bush managed to get 74% of evangelical and born-again Christian vote, which is a bigger percentage of this group, than his son attracted later in 2000 and 2004.²⁷ The first president of the name Bush was however not the first president to receive a large portion of evangelical and born-again Christian vote, in fact, Ronald Regan had slightly lower, but also significant support of this group.

The state of permanent campaign leads to the need of a very elaborate strategy of what should be said publicly and certainly also in what way. Politicians are subjected to permanent scrutiny of both media and voters and the presidential figure in the United States is unquestionably the favorite subject of media attention. Therefore, the permanent campaign in a way diminishes the value of any message that is being delivered. Every public speech by the president, and most probably every comment that the president makes, is made in the context of the permanent campaign.

²⁶ Bush, George H.W. Bush, *1988 Nomination Acceptance Address*, (August 18, 1988)

²⁷ *National Exit Polls Table*; the New York Times (accessed May 15, 2010)
<http://elections.nytimes.com/2008/results/president/national-exit-polls.html?scp=2&sq=election%201988&st=cse>

There is a record of numerous remarks of president Bush on faith, his personal beliefs and God. One of the first public speeches, after president Bush enrolled in office, was his speech at the National Prayer Breakfast on February 1st 2001, where he famously said: “*My administration will put the federal government squarely on the side of America’s armies of compassion. Our plan will not favor religious institutions over non-religious institutions. As President, I’m interested in what is constitutional, and I’m interested in what works. The days of discriminating against religious institutions, simply because they are religious, must come to an end.*”²⁸

However, through the context of permanent campaign, it is necessary to acknowledge that ever remark by the president is made in order to appeal to some part of electorate. In the case of George W. Bush, who was supported by religious personalities and had a high approval rate by conservative Christians of America, it was important to stress his own religiousness and devotion.

President Bush and his team have, according to various sources, followed the tactics of permanent campaign very closely, especially during the first term of his presidency.²⁹ Brookings institution stressed in 2004 the great effort that was invested by president Bush and his team into his reelection from the first day of his presidency: “*What is unusual about the Bush team, despite their public disavowals of electoral motives, is that they have brought the permanent campaign to new heights. A review of Bush's domestic travel over the first three years illustrates their keen attention to politics. For starters, he has traveled more extensively than any of his predecessors, taking 416 domestic trips during his first three years.*”³⁰ Besides the fact that president Bush had traveled a lot during his first term in the Oval Office, it was the choice of states that he was travelling to, which was the evidence of the reelection efforts. Proportionally, he was travelling the most to the so-called swing states: the states that are not strongly inclined to either of the both major parties. Since the state is politically inclined to vote

²⁸ Bush, George W., *Remarks at the National Prayer Breakfast: Selected Speeches of President George W. Bush 2001-2008* (February 1, 2001)

²⁹ Cook, Corey: *The Contemporary Presidency: The Permanence of the "Permanent Campaign": George W. Bush's Public Presidency*; *Presidential Studies Quarterly* 32, no. 4, p 753 - 764

³⁰ Corrado, Anthony, Dunn Tenpas, Kathryn: *Permanent Campaign Brushes Aside Tradition*; Brookings (March 30, 2004)
http://www.brookings.edu/opinions/2004/0330campaigns_tenpas.aspx

for both the GOP and Democrats, it makes it a logical and potentially most beneficial target of travel; hence personal contact with voters has proved to be very effective in the effort to receive their vote.

President Bush and his team have not only mastered the tactics of permanent campaign through carefully appealing to chosen target groups, which were mostly citizens of the swing states, representatives of business and the Christian Right. Karl Rove, who is cited as the mastermind behind election successes of president Bush, has carefully built on connections that president Bush has made during work as media liaison on his father's presidential campaign. Not only did the future president show great talent for fundraising during the campaign in 1988, he also made ties with some of important religious personalities, with whom he continued to work also through his own two presidencies; one of these includes Doug Wead, who served as advisor during the presidencies of both George H. W. Bush and George W. Bush.³¹

George W. Bush started carefully building his image of a conservative Christian during his term as governor of the state of Texas. He was attending public prayers, meeting with evangelists and publicly proclaimed his membership in Community Bible Study.

Governor Bush however was not by far the only Republican presidential candidate to emphasize his religiousness in order to get conservative Christian voters on his side. Famously, during a television aired candidate debate in Des Moines, the capital of Iowa on December 13, 1999, three out of six Republican presidential candidates have cited Christ as the most important philosopher and thinker in their lives. Governor Bush was among them. Evan Al Gore, Democratic presidential nominee, whose scope of voters was much less conservative, publically called himself a 'born-again Christian'. The switch towards emphasis on religiousness was evident. *"The greater focus on faith -- never before have so many contenders in both parties raised the issue so explicitly -- reflects in part the increased attention these days on candidates' personal lives. But it is also clearly a reaction to surveys showing that growing numbers of people view religion as meaningful in their own lives. Candidates' invoking of religion is applauded by*

³¹ *Interview: Doug Wead*; PBS, <http://www.pbs.org/wgbh/pages/frontline/shows/choice2000/bush/wead.html>

religious conservative groups, which are enormously important during the Republican primary season, particularly in Iowa.“³²

One of the reasons, why George W. Bush was more successful in persuading conservative voters that he was the most devoted Christian of all the candidates, was probably the way, how his religiosity was served to the public. Bush and his strategists turned to a method that proved to be particularly appealing to conservative Christians. It was a personal story of religious devotion. The first candidate, who used this strategy, was Jimmy Carter.³³ In the case of George W. Bush, this tactic seems especially risky, since what was revealed, including history of alcoholism, was not particularly appealing. However, the authenticity of the message outweighed the controversy and president Bush received a large portion of conservative Christian votes.

When president Bush was finally elected to office, his rhetoric did not change overwhelmingly, especially not in terms of faith. The extent of real faith of president Bush is hard to define and remains outside the scope of this work. President's personal beliefs remained somewhat unclear, since president Bush never directly addressed the topic.

No matter how uncertain all presumptions and estimations on president Bush's religious attitudes are, there are more reliable ways how to determine the influence of Christian Right on the president. If we reject the rhetoric of politicians as a valuable source of information on their political stance, because it is designed to appeal to voters, we have to look at yet another source of information. It is possible to trace down certain political steps that president Bush has made over his both presidential terms, which could correspond, contradict or simply not be quite in alignment with the agenda of the Christian Right. Even though the motivation of all political decisions are not necessarily completely clear, by looking at some of major steps that president Bush has undertaken during his presidencies, we get a solid reflection of to what degree did the president act in line with the evangelicals.

³² Berke, Richard L., *Religion Center Stage in Presidential Race*; The New York Times (December 15, 1999), <http://www.nytimes.com/1999/12/15/us/religion-center-stage-in-presidential-race.html?scp=2&sq=iowa%20%20AND%20republican%20debate%20AND%20Christ&st=cse>

3 President George W. Bush and Christian Right topics

It is important to stress the fact that American political system with its checks and balances guarantees the president strong, but still limited power over the state. As it is defined in the Article II. of the Constitution of the United States of America, president has mainly executive powers, some of his powers are co-shared with the Senate, president has the power to nominate to federal offices, but in the case of ambassadors, other public ministers, consuls, and judges of the Supreme Court with ‘advice and consent’ of the Senate. President’s powers are today more far-reaching than it was probably originally intended by the designers of the Constitution. However, the president does not have the legislative power to submit bills to the Congress. Yet there is another powerful instrument that is attributed to the president; president can issue executive orders, “*which direct executive officers or clarify and further existing laws*”³⁴ and presidential memoranda. Executive order and memoranda can be delivered in short term and are often used to emphasize policy priorities in terms of days after inauguration.

Yet, the power to appoint judges is no less important and can have a long-term far-reaching effect on the entire society of the country. One of the most publicly observed and anticipated powers of the president is to nominate judges of the Supreme Court of the United States, but president does much more; he nominates all judges to federal courts, appellate courts, and also all district courts. Through nomination to the Supreme Court and also all courts of lower instances, the president can de facto influence judicial decision-making. The entire judiciary could become more liberal or conservative only by nominations of one president, who serves for two presidential terms. Nevertheless, choice of judges can be very tricky and it is never possible to fully anticipate, how the prospective judge of president’s choice would decide in terms of ideology. For example the nomination of Supreme Court justice David Souter was a bitter disillusion for

³³ Smith, Gary Scott: *Faith and the Presidency*; Oxford University Press 2006, p 373

³⁴ *The Executive Branch*; The White House, <http://www.whitehouse.gov/our-government/executive-branch>

George H.W. Bush, because justice Souter was during his judgeship on the Supreme Court considered far too liberal by most conservative observers.³⁵

The nominations of president George W. Bush to the Supreme Court were in this sense a much better choice. Associate justice Samuel Alito Jr. and chief justice John Roberts tend to lean towards conservatism almost unshakably. Especially justice Alito was confirmed by the Senate in a close vote and is considered a ‘die-heart’ conservative. Nominees to the Supreme Court are being ‘grilled’ in the Senate and they are routinely asked to explain their position on landmark cases including *Roe v. Wade*, the crucial Supreme Court decision on abortion. EMILY’s List, a pro-choice female advocacy group reacted to the confirmation of justice Alito with no appreciation and called him threat to *Roe v. Wade*., whereas Christian Right was fighting for his confirmation. “*To build support for the confirmation, the Family Research Council, a Christian conservative group, said it was spending an initial \$100,000 for television commercials in five conservative states with Democratic senators.*”³⁶

President Bush had been criticized especially for some of his appellate court nominations, when he nominated justice William H. Pryor, an outspoken catholic conservative, who has called repeatedly for bigger role of Christianity in American society. Justice Pryor was rejected by most Democrats in the Senate, but was finally confirmed to the United States Court of Appeals. An intervention of John McCain and a group of Democratic Senators was needed. President Bush was facing a steady opposition in Democratic Senators and had one of the highest numbers of rejected nominees in history. During his presidencies nonetheless, the Supreme Court remained conservative and courts of lower instances often shifted towards being more conservative.

³⁵ Pika, Joseph A., Maltese, John Anthony; *The Politics of the Presidency*, CQ Press, 2008, p. 317

³⁶ Kirkpatrick, David D., Hulse, Carl: *COURT IN TRANSITION: THE OVERVIEW; G.O.P. Reaches To Other Party On Court Pick*; The New York Times (November 2, 2005)

<http://query.nytimes.com/gst/fullpage.html?res=9D0DEFDB163EF931A35752C1A9639C8B63&scp=1&sq=court+nomination+pryor+AND+gang&st=nyt>

3.1 Bioethics; Human Stem Cell Research and Abortion

When looking back at the two presidencies of George W. Bush, there had been only several steps that could be attributed to religious motivations. Or to be more precise, there are only few of his actions that were connected with some sort of religious debate.

To some controversy, during 2001, President Bush issued an Executive Order³⁷ that established a new institution within the White House. It was a commission, which was supposed to counsel the president on questions on bioethics, including abortions, stem-cell research, termination of life, etc.; the commission was called The President's Council on Bioethics and replaced a similar counselor commission that served under president Clinton. Members of the President's Council on Bioethics under president Bush included medical professionals and experts on stem-cell research as well as experts on philosophy, ethics and political science. One of the members of the council, among others, was also Francis Fukuyama, the controversial neoconservative scholar.

The choice of members of the council was from the beginning criticized by some proponents of the stem-cell research and pro-choice groups. One of the critics was liberal-leaning Union of Concerned Scientists, which accused the president of not being objective on the issues.

In March 2004, two of the members on the council, molecular biologist Elizabeth Blackburn and geneticist Janet Rowley, published an article called 'Reason as Our Guide.' *"This was a difficult invitation to accept. On the one hand, the President's views on the use of human embryonic stem cell research and somatic cell nuclear transfer techniques were well-known and in conflict with our own beliefs about the costs and benefits of the use of progressive technologies to advance biomedical research. On the other hand, we were grateful that the President, despite his views in opposition to these therapies, was willing to invite serious biomedical scientists to help formulate advice to him—and ultimately to contribute to the development of national policy—on these critically important advances. We knew that on this originally 18-member Council, as scientists we would be in the minority in our belief of the good to be gained through these and other areas of biomedical research. We were also aware that some others on the Council had strong opposing views. Thus, it was only with the assurances of the Council chairman, Leon Kass of the University of Chicago, and of the President of the*

United States himself that we were persuaded that our voices would be heard and integrated into the statements of the Council.”³⁸ The two scientists continued by stating that some of the reports, which were produced by the council were contradicting exact science, this was namely the case of ‘Beyond Therapy: Biology and the Pursuit of Happiness’ published in 2003 and ‘Monitoring stem cell research’ published in 2004.

Elizabeth Blackburn, 2009 Nobel Prize Laureate for telomeres research, was dismissed from the council, which was criticized among others by The American Society for Cell Biology, organization that associates 11 000 scientists in the field of cell research. The organization issued official statement on this issue.³⁹

Bioethics has become a traditional topic of most conservative religious groups, which are active on American political scene, Christian conservatives including, however, this concern is not limited to the group. One of the major of these topics is without much doubt the issue of human embryonic stem cell research⁴⁰. In 2005, the Congress had approved a bill on stem cell research. The bill was not in fact a bill that would allow human embryonic stem cell research as such, since this matter is not federally regulated. Human embryonic stem cell research is regulated on state level and is only forbidden in several states of the federation; namely Arkansas, Indiana, Louisiana, Michigan, North Dakota and South Dakota. The bill was intended to provide federal financial support to strengthen the research.⁴¹ However, some states of the union were at that time already providing support to the research.

Yet, president Bush vetoed the bill. It was the first veto ever that president Bush had issued during his presidency and it took place after 5 years in office with no such action before. What was maybe more appealing than the veto itself, which addresses a rather controversial matter, was the considerably emotional form that it took and the way it was presented to the public. ‘*The vetoed bill "would support the taking of innocent*

³⁷ Executive Order 13237, November 28, 2001

³⁸ Blackburn E, Rowley J: *Reason as Our Guide*; PLoS Biol 2004 (accessed May 1, 2010) <http://www.plosbiology.org/article/info:doi/10.1371/journal.pbio.0020116>

³⁹ *Cell Biologists Oppose Removal of Top Scientist*; The American Society for Cell Biology (March 2, 2004)

<http://www.ascb.org/files/policy/CellBiologistsOpposeRemovalofTopScientist.pdf>

⁴⁰ Stem Cell Research Enhancement Act of 2005 (H.R. 810) 109th Congress

⁴¹ Vestal, Christine, *Stem Cell Research: At the Crossroads of Religion and Politics*; The Pew Forum on Religion & Public Life (July 18, 2008)

<http://pewresearch.org/pubs/903/stem-cell-research>

*human life in the hope of finding medical benefits for others," the president said, as babies cooed and cried behind him. "It crosses a moral boundary that our decent society needs to respect." Each child on the stage, he said, "began his or her life as a frozen embryo that was created for in vitro fertilization but remained unused after the fertility treatments were complete. . . . These boys and girls are not spare parts."*⁴² This is how the president's announcement of his first veto in office was described the Washington Post.

Human embryonic stem cell research is among the agenda of all major conservative Christian organizations that have ambitions to influence American society. Here is a statement on that topic by Family Research Council, one of the largest and most influential organizations of the conservative Christian part of America. "*Stem cells, cloning, genetic engineering, and other new technologies need to be evaluated carefully within both a scientific and an ethical framework. Family Research Council opposes research that destroys, harms, or manipulates an embryonic human being.*"⁴³ In addition, president Bush similarly to the official materials of the Family Research Council referred to human embryos as human beings or human life.

Similarly, veto was the fate of yet another bill on the same topic, which was referred to as the Stem Cell Research Enhancement Act of 2007 (S.5)⁴⁴. It was vetoed by the president in a similar manner. In addition, the same day as he vetoed the second Stem Cell Research Enhancement Act, president Bush also issued an executive order, which was addressing the same matter, but in a much different fashion. Executive Order 13435 encouraged alternative research of human stem cells.⁴⁵

According to Pew Research Forum of the Pew Research Center, by July 2005, 57% of all Americans support the stem cell research, and there was a visible growing tendency of support among Americans. 52% of questioned were citing their religious beliefs as influence on their position on that matter. Pew Research further states the position of conservative voters. "*Conservative Republican opponents are especially*

⁴² Babington, Charles, *Stem Cell Bill Gets Bush's First Veto*; The Washington Post (July 20, 2006) http://www.washingtonpost.com/wp-dyn/content/article/2006/07/19/AR2006071900524_pf.html

⁴³ *Human Life & Bioethics*; Family Research Council http://www.frc.org/life--bioethics#stem_cells

⁴⁴ Stem Cell Research Enhancement Act of 2007 (S.5) 110th Congress

⁴⁵ Executive Order 13435, June 20, 2007

*likely (70%) to cite religion as their main influence, as are evangelical Protestant opponents (69%).*⁴⁶ It is an interesting case of veto, because majority of Americans was in favor of stem cell research of human embryos and the bill would not bring a groundbreaking change of prior situation. In addition to that, both of the bills were passed by the Congress by a decisive majority and were supported by both parties. This suggests, that the president must have had a rather strong motivation to turn the bills down.

Yet another domestic issue that is a favorite topic of religious groups, also not only conservative in this case, is the problematic of abortion. President Bush has signed a bill, which is known as Partial-Birth Abortion Ban Act of 2003⁴⁷, which was introduced by the 108th Congress. Both the bill itself and the name of it is highly controversial by medical standards since the term ‘partial-birth abortion’ is not known to medical practice and the American Medical Association does not recognize the term either. In it’s Health and Ethics Policies, the American Medical Association states: *‘The term ‘partial birth abortion’ is not a medical term. The AMA will use the term “intact dilatation and extraction”(or intact D&X). Because ‘partial birth abortion’ is not a medical term, it will not be used by the AMA. ...In recognition of the constitutional principles regarding the right to an abortion articulated by the Supreme Court in Roe v. Wade, and in keeping with the science and values of medicine, the AMA recommends that abortions not be performed in the third trimester except in cases of serious fetal anomalies incompatible with life.*⁴⁸ Therefore, the term ‘partial birth abortion’ is strictly a political and ideological term that was invented by the pro-life circles. The term is attributed to Republican member of the House of Representatives Charles T. Canady of Florida⁴⁹. Charles Canady was the sponsor of Partial-Birth Abortion Ban Act of 1995 (H.R. 1833, 104th Congress), which after successfully passing through both the House and the Senate was vetoed by president Clinton. Charles Canady and the team,

⁴⁶ *Religion and Stem Cell Research*; The Pew Forum on Religion & Public Life (July 18, 2006) <http://pewforum.org/Science-and-Bioethics/Religion-and-Stem-Cell-Research.aspx>

⁴⁷ Partial-Birth Abortion Act of 2003 (H.R. 288) 108th Congress, Public Law 108-105

⁴⁸ H-5.982: Late-Term Pregnancy Termination Techniques; *Health and Ethics Policies of the AMA House of Delegates*, American Medical Association (September 1, 2008)

⁴⁹ Rovner, Julie, *‘Partial-Birth Abortion:’ Separate Fact from Spin*; NPR (February 21, 2006) <http://www.npr.org/templates/story/story.php?storyId=5168163>

which was working on the bill, created the term of partial-birth abortion because the medical term ‘dilatation and extraction’ had no emotional value for most Americans; whereas ‘abortion’ is a highly emotionally charged term ever since *Roe v. Wade* (410 U.S. 113 (1973)).

It is probably not too surprising that president Bush did not oppose the bill. However, the fact that he had signed the bill was very important for American society, since it is the largest federal intervention to abortion laws since the above mentioned *Roe v. Wade*, which dates back to 1973. In addition, president Bush had clearly stated in May 2007 that he would oppose any further changes to the abortion laws that would by any means weaken the federal legislation on that topic. *‘In a two-page letter sent to the House speaker, Nancy Pelosi, and the Senate majority leader, Harry Reid, Mr. Bush said his veto threat would apply to any measures that “allow taxpayer dollars to be used for the destruction of human life.”*⁵⁰

President Bush was very clear on that he would veto any law that would make the abortion legislation more liberal. However, maybe even more significantly, he never proposed any policy or did not ask for new legislation, which would restrict abortions or challenge *Roe v. Wade* in any way. He always stayed within the boarder of rhetoric. According to public opinion polls, decisive majority of Americans - 65 % - would be against complete overturn of *Roe v. Wade*, whereas only 26% of Americans stated in 2005 that they would favor an overturn of the Supreme Court decision⁵¹.

3.2 Same-sex marriage

During the presidencies of George W. Bush, gay rights and same-sex marriage question emerged as one of crucial social issues. And to some degree, president’s actions, or sometimes lack of actions, became a decisive point of his relationship with the Christian Right.

⁵⁰ *Bush Warns of Vetoes over Abortion Issue*, The New York Times (May 4, 2007)http://www.nytimes.com/2007/05/04/washington/04veto.html?_r=1&scp=3&sq=bush%20AND%20late%20term%20abortion&st=cse

⁵¹ *A Slight but Steady Majority Favors Keeping Abortion Legal*; The Pew Forum on Religion & Public Life (September 16, 2008) <http://pewforum.org/Abortion/A-Slight-but-Steady-Majority-Favors-Keeping-Abortion-Legal.aspx>

Homosexuality and same-sex marriage is a source of disagreement and controversy in conservative circles. It has been problematic even within the Christian Right. Many proponents of 'compassionate conservatism' are tolerant to homosexuality and some even do not oppose same-sex marriage or registered partnership.

Jerry Falwell, the Moral Majority founder and very influential evangelical leader, had discredited himself in eyes of many evangelicals because he was repeatedly talking about homosexuality in a derogatory manner and was repeatedly calling homosexuality the worst, which a religiously devoted person can - a sin: "*I take the Bible as the standard. And the Bible's very clear in its condemnation of adultery--that a man or woman who violates his or her marriage bond violates the laws of God. Secondly, a homosexual. Any sex outside of the marriage bond between a man and a woman is violating God's law. So obviously the homosexual is immediately violating God's laws.*"⁵² Many conservatives do not share this view and were repelled by the intolerance to homosexuality.

In the team of president Bush, his campaign and later his administration, homosexuality became a somewhat personal topic since Vice President Cheney's daughter has publically admitted her homosexuality and was attending official events with her partner.

Homosexuality is not an easy term for a political scientist, since in any poll, it is necessary to rely solely and entirely on what the respondent claims. In American polls, 70 % of those, who claim to be homosexuals - approximately 4% of population - in 2006 said they would vote for the Democratic Party.⁵³ So less than 30% of a 4% minority within the adult population does not seem like an important voters group to appeal to. Yet, for president Bush and proponents of compassionate conservatism, homosexuality and stance towards marriage may have a great symbolism. Many hard-core Christian conservatives support views of Jerry Falwell, on the contrary, many are much more tolerant.

Same-sex marriage has been an ongoing issue for over the last decade in American politics. Some states allow registered partnership and some even allow same-sex

⁵² *Reverend Jerry Falwell Interview*, PBS, 2000 (accessed April 11, 2010)

<http://www.pbs.org/wgbh/pages/frontline/shows/assault/interviews/falwell.html>

⁵³ Wayne, Stephen J.; *The Road to the White House 2008: The Politics of Presidential Elections*. 8th ed., Thomson Wadsworth, 2008. p 103

marriages. That is the case of Massachusetts, New Hampshire, Connecticut, Vermont and since 2009 due to a court ruling also Iowa. On the contrary, some states ban same-sex marriage and registered partnership by state constitution; Arkansas, Nebraska, and Arizona are among those. The Congress in 1996 passed a bill sponsored by Republican member of the House Bob Barr, called the Defense of Marriage Act,⁵⁴ which allows states not to legally recognize same-sex marriage even if other states do legally recognize it and also prevents any federal agency or organ from recognizing the legality of such marriage.

Since 2002, every Congress had a session on proposal of Marriage Protection Amendment: *“Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups”*⁵⁵ The amendment was originally introduced by an advocacy group called Alliance for Marriage, a group that is not part of the Christian Right movement and is supported by various denominations including Catholic. The amendment proposal to the 107th Congress was co-authored by Robert Bork, former Supreme Court nominee, who was never approved to function by the Senate, because he was considered too conservative. The amendment proposal was rejected in Committee hearings and was reintroduced in a modification to 108th, 109th and 110th Congress.

President Bush was never too outspoken on the topic of homosexuality and of the amendment. Only in 2004, the year of campaign for his reelection, he finally mildly supported the amendment, but not in the version, which was offered by Robert Bork. President Bush said: *“The amendment should fully protect marriage, while leaving the state legislatures free to make their own choices in defining legal arrangements other than marriage.”*⁵⁶ That was subsequently criticized by Robert Bork and some other conservatives; the version that the president offered as an alternative seemed too vague.

⁵⁴ Defense of Marriage Act of 1996, (H.R. 3396), 104th Congress, Public Law 104-199

⁵⁵ H.J. Res 93, 107th Congress

⁵⁶ Kirkpatrick, David D.: *SAME-SEX MARRIAGE: THE PROPOSED AMENDMENT; But With These Words, Can I Thee Quasi-Wed?*; The New York Times (February 25, 2004) <http://www.nytimes.com/2004/02/25/us/same-sex-marriage-proposed-amendment-but-with-these-words-can-thee-quasi-wed.html?scp=3&sq=alliance%20for%20marriage&st=cse>

Yet the amendment did not succeed in the 108th Congress in a similar manner as in the previous Congress. The timing however made a change this time. The amendment was terminated in July 2004, during the full swing of presidential campaign. The amendment proposal, thanks to timing and its symbolism, became an important topic for the election. The outlook of the election was similar to the election in 2004; it seemed extremely close, polls were showing that it is most probably will be fight for every vote. The same-sex marriage, according to some forecasts could have been the decisive moment that could swing the election result. *“Many political analysts say President Bush is almost certain to benefit from the mobilization of conservatives in those states, particularly in Michigan and Oregon, where amendments seem likely to make the ballot.”*⁵⁷ President Bush during the campaign really pressed the issue more than ever before and managed to receive even more conservative votes than in the election in 2000.⁵⁸ Some Christian Right organizations were campaigning in the swing states on the issue of Marriage Protection Amendment and in favor of president Bush as its proponent. Among others it was especially Focus on the Family and Family Research Council, both associated with James Dobson.

However, after election 2004, no new efforts to push through the amendment appeared and the Christian Right felt relentlessly unsatisfied by the fact that the pre-election promises rarely transformed into post-election action. In 2005, the Marriage Protection Amendment again was not enacted and Christian conservatives were losing confidence in the president. Some of Evangelical leaders articulated these feelings publicly in 2006 *“In the last several weeks, Dr. James C. Dobson, founder of Focus on the Family and one of the most influential Christian conservatives, has publicly accused Republican leaders of betraying the social conservatives who helped elect them in 2004. He has also warned in private meetings with about a dozen of the top Republicans in Washington that he may turn critic this fall unless the party delivers on conservative*

⁵⁷ Dao, James: *CAMPAIGN 2004; Renewed State Efforts Made Against Same-Sex Marriage*; The New York Times (July 16, 2004)
<http://www.nytimes.com/2004/07/16/us/campaign-2004-renewed-state-efforts-made-against-same-sex-marriage.html>

⁵⁸ *National Exit Polls Table*; the New York Times (accessed May 15, 2010)
<http://elections.nytimes.com/2008/results/president/national-exit-polls.html?scp=2&sq=election%201988&st=cse>

goals.”⁵⁹ I am however not asserting that the lack of action in Marriage Protection Amendment was the only reason, why Christian conservative voters became increasingly dissatisfied with the Republican Party and especially the president. The evangelicals were in many ways not served, as they had expected and hoped. Besides that, evangelicals felt dissatisfied with the same issues as the rest of America – foremost with the engagement of the country in two pricey wars.

Yet, in June 2006, amid the midterm Congressional election campaign, and with poor outlooks for the Republican Party, president Bush came up with the amendment for protection from same-sex marriage as his own initiative. President Bush held a public speech on the topic in a try to pursue Senators to vote for the amendment. The proposal for almost identical amendment as the year before however failed in Congress again, even though it was fully supported by the president this time.

The Washington Post commented on the initiative rather cynically: “*Bush, whose opposition to marriage between gay partners helped power him to reelection in 2004, has remained largely silent on the issue since, much to the consternation of conservatives who complain he has not exerted leadership. Now, with midterm elections approaching, he is returning to a topic that galvanizes an important part of the Republican base.*”⁶⁰ It is nevertheless doubtful, to what extent could the president and his team expected that the legislation would pass through the Congress even though almost identical proposal lost 3 consecutive times in a row. The Marriage Protection Amendment failed in the Democrat-dominated Congress, which was produced by midterm election, and has not been reintroduced to Congress after 2008. President’s popularity by Christian Right voters, but also by more moderate voters, decreased significantly after 2006.⁶¹

⁵⁹ Kirkpatrick, David D.: *Conservative Christians Criticize Republicans*; The New York Times (May 15, 2006)

http://www.nytimes.com/2006/05/15/washington/15dobson.html?_r=1&scp=3&sq=same%20sex%20marriage%20AND%20Christian%20Right&st=cse

⁶⁰ Baker, Peter: *Bush Re-Enters Gay Marriage Fight Two Speeches Set Pressing Senate To Vote for a Ban*; The Washington Post (June 3, 2006)

<http://www.washingtonpost.com/wp-dyn/content/article/2006/06/02/AR2006060201519.html>

⁶¹ *President Bush Job Approval*; The Rasmussen Reports (January 5, 2009)

http://www.rasmussenreports.com/public_content/politics/political_updates/president_bush_job_approval

4 Faith – Based Initiatives

4.1 *First amendment and separation of church and state*

One of the very first actions that president George W. Bush took after his inauguration was directly connected to religious groups and was probably one of the major reasons, why his administration was often mentioned in connection with conservative religious groups. Executive Order 13198 and Executive Order 13199⁶² were literally the first executive orders that president Bush had issued. This was as soon as of January 29, 2001; within ten days after his inauguration. The executive orders created a new institution under the name White House Office of Faith-Based and Community Initiatives, which was set to be part of the Executive Office of the President of the United States. This executive office was designed to coordinate actions of offices of faith-based initiatives that were by this order created in various departments, including the Department of Health and Human Services, Department of Labor, Department of Education, Department of Housing and Urban Development, etc. This also applied to the Department of Agriculture and other departments through additional executive order.⁶³

Even though the changes which were introduced by the two new executive orders seem at the first sight more like purely technical adjustments, but turned out to be one of the most important religion-related policies of president Bush. Technical in its effect is mostly only Executive Order 13198, whereas Executive Order 13199 changes the emphasis on the faith-based initiatives. *“Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods. Government cannot be replaced by such organizations, but it can and should welcome them as partners. The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by law to compete on a level playing field, so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty.”*⁶⁴ According to

⁶² Executive Order 13198, January 29, 2001; Executive Order 13199, January 29, 2001

⁶³ Executive Order 13280, December 12, 2002

⁶⁴ Executive Order 13199, January 29, 2001

the executive orders, faith-based initiatives became a much more important tool of the Executive of the United States. It becomes much more centralized, directly overseen by the White House Office of Faith-Based and Community Initiatives. Another key change in the grant system is the amount of money that had been allocated to the faith-based initiatives and which faith-based organizations could apply for. President Bush made the faith-based initiatives one of key domestic politics of his two administrations.

President Bush, when announcing the creation of this new office, stated that he feels this as one of the most important initiatives of his administration. *“Yet when we see social needs in America, my administration will look first to faith-based programs and community groups, which have proven their power to save and change lives. We will not fund the religious activities of any group, but when people of faith provide social services, we will not discriminate against them. As long as there are secular alternatives, faith-based charities should be able to compete for funding on an equal basis, and in a manner that does not cause them to sacrifice their mission.”*⁶⁵ The White House Office of Faith-Based and Community Initiatives was a part of president’s strategy, that is being referred to as compassionate conservatism. George W. Bush has pursued similar program in Texas, while he was still the governor of the state. Texas has become a national leader in encouraging faith-based social services. The state has let faith-based organizations to tackle social problems in cooperation with state agencies.⁶⁶

However, the separation of state and church has been one of the crucial provisions of American political system, and the faith-based initiative program of George W. Bush has lead to reasonable doubts, on whether the provision is not violated. The first law that was allowing religious groups and organizations to receive federal funding on social programs was already approved during Clinton administration in 1996. The bill, that is often nicknamed the Welfare Reform Act but officially goes under slightly longer and less explanatory term ‘Personal Responsibility and Work Opportunity Reconciliation Act of 1996.’⁶⁷ The bill was influenced significantly by a provision that was implemented as part of initiative of conservative Republican senator John Ashcroft

⁶⁵ Bush, George W., *Faith-Based and Community Initiatives Announcement*; Selected Speeches of President George W. Bush 2001-2008 (January 29, 2001)

⁶⁶ Smith, Gary Scott: *Faith and the Presidency*; Oxford University Press 2006, p 388

⁶⁷ Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R.3734) 104th Congress

from Missouri, who was later chosen by president George W. Bush to become his attorney general and who served in this position from 2001 to 2005. Senator Ashcroft was sponsoring section 104. of the Personal Responsibility and Work Opportunity Reconciliation Act; this section directly names religious institutions eligible for federal funding under some particular provisions. These include respecting the first amendment of the Constitution of the United States of America: “ *In the event a State exercises its authority under subsection (a), religious organizations are eligible, on the same basis as any other private organization, as contractors to provide assistance, or to accept certificates, vouchers, or other forms of disbursement, under any program described in subsection (a)(2) so long as the programs are implemented consistent with the Establishment Clause of the United States Constitution.*”⁶⁸ The federal funding was only possible to secular projects and in addition, the state shall not ask the organization to remove any religious symbols or icons from their venues.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was criticized already at the time of its implementation for various reasons. Human rights organizations and especially civil rights initiatives found the provision, which allows religious organizations for state funding unfair, since these organizations apply discrimination on employment, by choosing only employees that follow their own specific requirements such as denomination and sexual orientation. The problem was that federal funding should not be offered to organizations that discriminate against. In addition, there was another argument used against the bill concerning the use of religious symbols. Since the law specifically bans the state from asking religious organizations, which apply for federal funding in order to provide social services, to remove religious symbols from their venues, this could lead to use of excessive religious icons, art, scripture, and another forms of religious symbolism by the applicant organization on purpose.

Especially during the first year after implementation of the Faith-Based and Community Initiatives executive orders, president Bush had put a great effort in promoting the faith-based initiatives program and was mentioning it in his speeches

⁶⁸ Sec. 104. Services Provided by Charitable, Religious or Private Organizations; (C) Nondiscrimination against Religious Organizations; Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (H.R.3734) 104th Congress

repeatedly on many occasions. He even included a reference on the program during his State of the Union Address to 107th Congress⁶⁹, otherwise almost purely devoted to foreign affairs, namely the fight against terrorism following the 9/11 terrorist attacks. As reported by Dennis R. Hoover from Trinity Collage “Religion in the news” project, the overall perception of the faith-based initiatives program by major American newspaper was positive, though for example the New York Times remained predominantly critical on the issue.⁷⁰

The existence of the White House Office of Faith-Based and Community Initiatives nonetheless did not go smooth. John DiIulio, professor of political science at University of Pennsylvania, who was also one of the designers of White House Office of Faith-Based and Community Initiatives, respectively the office that is called today the White House Office of Faith-Based and Neighborhood Partnership, was also appointed the first director of the office. But after only a couple of month in the function, he resigned and accompanied this act with some relatively controversial remarks in an interview for Esquire magazine that were followed by a much longer and more straightforward explanatory letter to the staff of the magazine. The letter was published by Esquire subsequently in 2007 in its entirety and included statements on the administration of president Bush as such and also on the faith concerned politics of the administration: “...*overgeneralizing the lesson from the politics of the tax cut bill, they winked at the most far-right House Republicans who, in turn, drafted a so-called faith bill (H.R. 7, the Community Solutions Act) that (or so they thought) satisfied certain fundamentalist leaders and Beltway libertarians but bore few marks of "compassionate conservatism" and was, as anybody could tell, an absolute political nonstarter. It could pass the House only on a virtual party-line vote, and it could never pass the Senate.*”⁷¹ The Community Solutions Act was never enacted during the two presidencies of

⁶⁹ Bush, George W., *State of the Union Address to the 107th Congress*; Selected Speeches of President George W. Bush 2001-2008 (January 29, 2002) “*Members, you and I will work together in the months ahead... to encourage the good work of charities and faith-based groups. I ask you to join me on these important domestic issues in the same spirit of cooperation we've applied to our war against terrorism.*”

⁷⁰ Hoover, Dennis R., *Faith-Based Ambivalence*; Religion in the News, Vol. 4, No.1., Trinity Collage, 2001

⁷¹ DiIulio, John: *Letter to Ron Suskind* (October 24, 2002), Esquire (May 23, 2007) <http://www.esquire.com/features/dilulio#ixzz0npRcCDVf>

president George W. Bush⁷², similar was the fate of yet another related proposed act, Care Act of 2002⁷³.

The creation of the new legislation for federal funding of the faith-based organizations in 1996 and the executive orders under the presidency of George Bush, were however not refused by commentators and non-governmental organizations. The well-respected conservative think tank the Heritage Foundation, which was co-founded and long lead by an important figure of the Moral Majority movement, Paul Weyrich, took a different stance than the advocates of civil rights. The Heritage Foundation stated: *“Critics of this provision claim that employment decisions based on religion violate the protections of the 1964 Civil Rights Act. The architects of that historic legislation, however, plainly understood the importance of protecting the integrity of religion in America. While banning acts of discrimination in employment based on race, ethnicity, gender, religion or national origin under Title VII, they crafted an exemption for religious organizations-including churches, colleges, and universities. Congress expanded the statutory exemption in 1972 to cover most employees of religious institutions, whether they served in clergy positions or not.”*⁷⁴ The think tank, indeed an influential organization when it comes to opinion on public policy, takes the stand of support for both the faith-based initiatives financing and efforts of George W. Bush, since they see disparity and even discrimination in the former situation, in which religious-groups were bared from the opportunity to apply for federal funding without having to appear strictly secular.

4.2 Faith-Based Initiatives in court

Yet another, more practical critique of faith-based initiatives is connected specifically with some of the faith-based social programs; namely reformatory programs in prisons. If inmates join some of the religious programs, they are often put into a friendlier environment in comparison with a regular prison. However, they are, according to critics, subjected to different sorts of spiritual leadership, are required to

⁷² Community Solutions Act of 2001 (H.R. 1284), 107th Congress; [last in hearing on March 28, 2001, *the bill never became law*]

⁷³ Care Act of 2002 (H.R.7), 107th Congress; [last passed the House of Representatives July 16, 2001, but never went to Senate vote, *the bill never became law*]

make spiritual progress. The progress is than judged solely by the personal of the facility, where they are placed. In case the inmates do not show satisfactory spiritual progress, they can be removed from the reformatory facility to a regular one. Among the benefits that are often offered to prisoners for joining the faith-based reformatory programs include a shorter term served in total and possibility of early parole.

This sort of reformatory programs for prisoners was pioneered by the state of Texas during second half on 1990s, when George W. Bush was governor of the state. However, similar programs are spread across the United States and are popular especially by some large prison management corporations. Among these is the Corrections Corporation of America, the single larges company that runs prisons in the United States. Corrections Corporation of America has 65 detention facilities with bed capacity exceeding impressive 80.000 beds. The company has a broad variety of faith-based programs, mainly run with federal support through the White House Office of Faith-Based and Community Initiatives, these include both single faith and multi faith programs.⁷⁵ But the vast majority of prisoner reformatory programs is run by Christian groups, often evangelical.

Some of the faith-based programs were successfully challenged in court. The landmark case is known as *Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries et. al.*⁷⁶ Americans United, a nongovernmental bipartisan organization that is a joint union of both secular and moderate religious activists, filled a suit in Southern District of Iowa in 2003. The defendant was the Prison Fellowship Ministries, an organization founded in 1976 by Chuck Colson.

Mr. Colson is indeed the same Charles W. Colson, who gained worldwide notoriety by his questionable role in the Watergate scandal. Mr. Colson was a close aid to president Richard Nixon and was convicted for time in prison for his involvement in dissembling the real nature of illegal actions of the Committee to Re-elect president Nixon. Charles Colson was one of the three main targets of prosecutors, along with John

⁷⁴ Loconte, Joseph, John, David. C: *H.R. 7 The Community Solutions Act of 2001*; The Heritage Foundation (July 9, 2001)

⁷⁵ Corrections Corporation of America (accessed May 10, 2010)
<http://www.correctionscorp.com/inmate-programs/>

⁷⁶ *Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries et. al.*, 4:03-cv-90074, the United States District Court for the Southern District of Iowa

D. Ehrlichman and H. R. Haldeman. Charles W. Colson served seven month in prison in Alabama for obstruction of justice. When he was released in 1976, he declared himself a born again Christian and founded the Prison Fellowship. The Prison Fellowship has grown incredibly since its founding in 1976, the national American branch started spreading organizations first across English speaking countries around the world and progressively expanded to 115 countries worldwide.⁷⁷ However, the most focus is put on Prison Fellowship USA. According to financial report from 2007-2008, about 48% of the budget of the fellowship was allocated for reformatory work within the USA. This represents approximately 23 million dollars during the fiscal period.⁷⁸

The goal of the national organization, similar to its branches abroad, is to provide assistance to released inmates and also to provide reformatory services to prisoners during their time in prison. The reformatory program that targets inmates, who still serve their time in prison, is called InnerChange and seeks to help prisoners find new discipline and skills through faith. InnerChange was previously run the state of Texas; the past members of the program show lower level of recidivism in comparison to other former inmates. The overall rate of recidivism by prisoners in the United States is comparatively high. In Iowa, recidivism rate is about approximately 30% of all former prisoners, the exact numbers of recidivism rate of prisoners, who graduated from the InnerChange program in Newton facility are not know, but are estimated to be comparably lower.⁷⁹

Americans United for Separation of Church and State criticized, that various similar programs to the InnerChange and InnerChange specifically, receive federal funding through faith-based initiatives program and yet they promote only a specific way of religion. According to reverend Barry W. Lynn, the executive director of Americans United for Separation of Church and State: *"This program contains everything that is also wrong with the president's faith-based initiative. It uses tax dollars for pervasively religious programs, allows discriminatory hiring, gives preferential treatment to one religion over others, funds coercive conversion efforts and basically ignores the whole*

⁷⁷ Prison Fellowship International (accessed May 12, 2010)
<http://www.pfi.org/about-us/history-of-pfi>

⁷⁸ PMF Annual Report 2007-2008, p.31

*notion of a separation between church and state.*⁷⁹ The Prison Fellowship on the contrary stated, that the federal money is used solemnly on secular programs and the inmates, who enroll the program know in advance that the program is based on evangelicalism.

The Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries et. al. was first decided by the United States District Court for the Southern District of Iowa. The court ruled in favor of the plaintiff and decided that the program should not be paid from federal funds. The judge stated: *“The Defendants’ reliance on the esoteric nature of Establishment Clause law can carry them only so far. The level of religious indoctrination supported by state funds and other state support in this case, in comparison to other programs treated in the case law, as set forth above, is extraordinary.”*⁸¹ The judge ruled that the program provided sectarian services and also decided that federal funding was not a key source of money for the Prison Fellowship and the reformatory program could be run without it. However, the court had also ruled, that the Prison Fellowship was not allowed to operate the programs of prisoners reformation as long the program was financed by federal funding; since this was unconstitutional: *“The Court DECLARES that the contractual relationship between the state of Iowa, as managed and directed by the named state Defendants, and InnerChange and Prison Fellowship violates the Plaintiffs’ Establishment clause rights as contained in the Federal and Iowa Constitutions by impermissibly funding the InnerChange treatment program at the Newton Facility.”*⁸² This applied to not only to the facility, Newton Facility, which was part of the original suit, but also to all prison facilities in the Southern District of Iowa. The Prison Fellowship was in addition ordered to refund the federal grant in its full extent.

⁷⁹ *Audio record* (February 13, 2007), United States Court of Appeal for the Eight District, No. 06-2741, Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries inc. et.al.

⁸⁰ Goodstein, Laurie: *Group Sues Christian Program at Iowa Prison*; The New York Times (February 13, 2003) <http://www.nytimes.com/2003/02/13/us/group-sues-christian-program-at-iowa-prison.html?scp=3&sq=Prison%20Fellowship&st=cse>

⁸¹ Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries et. al., 4:03-cv-90074, the United States District Court for the Southern District of Iowa, decision p. 136

Prison Fellowship decided to put an appeal to U.S. Court of Appeals for the Eight Circuit. The Eight Circuit Court of Appeals formed a panel of judges to decide the appeal. One of the three judges on the panel was indeed justice Sandra Day O'Connor, the former long-term member of the Supreme Court of the United States. The court took a decision subsequently, which was to a large degree in agreement with the decision of the lower court. The Court of Appeals ruled mostly in favor of the previous decision of the District Court of the Southern District of Iowa. The injunction that effectively prevents Prison Fellowship to operate the programs such as InnerChange in the district of Iowa could be in future lifted, in case the Prison Fellowship proves that the program has changed sufficiently.⁸³ The case has been significant and exceptional especially since the court ordered the institution, which received a federal grant through faith-based initiatives program, to fully repay the governmental money back. In this case, it was 1,5 million dollars that had to be returned to the federal government by Prison Fellowship. Yet, the White House Office of Faith-Based and Community Initiatives Report says that in the period between 2005 and 2007, after the injunction on InnerChange program, the state of Iowa had received 2,1 million dollars for another prisoner reform programs. *“Since Spectrum Resources began its partnership with the U.S. Department of Labor through the Prisoner Reentry Initiative (PRI), it has enrolled over 400 participants and has placed 83 percent into jobs. The one-year recidivism rate for program participants is currently less than half the national average.”*⁸⁴ The programs showed favorable results in reducing recidivism.

Yet, there are another cases that were questioning the constitutionality of the program of faith-based initiatives. The case of *Americans United for Separation of Church and State v. Prison Fellowship Ministries* has however resulted in a decision that is categorical and serves today, at least to some extent, as a precedent. Faith-based initiatives were also on program of the Supreme Court of the United States and various courts of lower instance. One of the most active organizations in challenging faith-

⁸² *Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries et. al.*, 4:03-cv-90074, the United States District Court for the Southern District of Iowa, decision p. 126

⁸³ *Americans United for Separation of Church and State et. al., v. Prison Fellowship Ministries inc. et.al.*, United States Court of Appeal for the Eight District, No. 06-2741

⁸⁴ *The President's Faith-Based and Community Initiative in 50 States; A Report to the Nation*, The White House (June 2008)

based initiatives at court is the Freedom from Religion Foundation, a think tank based in Washington DC. This think tank was also behind the case on faith-based initiatives in front of the Supreme Court of the United States.

The case is known as *Hein v. Freedom from Religion Foundation*⁸⁵ and was previously decided by the Seventh Circuit Court of Appeals in 2005, the decision was later repealed by the Supreme Court. The Freedom from Religion Foundation filled the suit in a try to challenge the creation of the White House Office of Faith-Based and Community Initiatives, because the existence of it is a demonstration of preference of the Executive for religious-based groups. *“Respondents, an organization opposed to Government endorsement of religion and three of its members, brought this suit alleging that petitioners, the directors of the federal offices, violated the Establishment Clause by organizing conferences that were designed to promote, and had the effect of promoting, religious community groups over secular ones. The only asserted basis for standing was that the individual respondents are federal taxpayers opposed to Executive Branch use of congressional appropriations for these conferences.”*⁸⁶ The Supreme Court delivered a 5-4 vote, repealed previous decision of Seventh Circuit Court of Appeals and ruled that taxpayers are not able to challenge constitutionality of expenditures that are made by the federal government. Americans United for Separation of State and Church submitted amicus curiae brief in this case.

There is a number of another court cases concerning the faith-based initiatives, including case of discrimination against homosexual employees on religious grounds in a faith-based initiative project in Kentucky *Pedreira v. Kentucky Baptist Homes for Children*⁸⁷, case of drug rehabilitation centre for youth in Wisconsin with indoctrination of clients *Freedom From Religion Foundation v. McCallum*,⁸⁸ etc. The Americans

⁸⁵ Jay F. Hein, *White House Office of Faith-Based and Community Initiatives et. al., v. Freedom from Religion Foundation, inc., et.al.*, 551 U.S. 587, The Supreme Court of the United States

⁸⁶ Jay F. Hein, *White House Office of Faith-Based and Community Initiatives et. al., v. Freedom from Religion Foundation, inc., et.al.*, 551 U.S. 587, The Supreme Court of the United States

⁸⁷ Alicia M. Pedreira, et al, *Plaintiffs, v. Kentucky Baptist Homes for Children, inc., et al*, United States District Court, W.D. Kentucky, at Louisville.186 F.Supp.2d 757 (2001)

⁸⁸ *Freedom from Religion Foundation, Inc. v. McCallum*, Seventh Circuit Court of Appeals, 324 F. 3d 880

United for Separation of Church and State v. Prison Fellowship Ministries case is though one of the most successful challenges of the faith-based initiatives.

4.3 Financing of Faith-Based Initiatives

Even though faith-based initiatives programs can and probably often are very useful and can change society for the better, their constitutionality has been questioned and probably will be further questioned in the future. The United States, with its records of separation of state and church as one of the pillars of the Federacy, was changed by the faith-based programs significantly. The core of the problem is not only that the federacy ends up often supporting financially a certain church or denomination.

It is, however, also important to stress that the newly elected president, Barack Obama, has amended the Executive Orders 13198 and 13199 and has even broadened the support for faith-based initiatives. When the newly elected president Obama was introduced in office, he, similarly to president George W. Bush, issued subsequently after his inauguration an executive order concerning faith-based initiatives. The most significant change provided by the Executive Order 13498⁸⁹ is a shift of agenda of the White House Office of Faith-Based and Community Initiatives from strictly faith-based issues to a more general that is also what explains the renaming of the office. Under president Obama, the White House Office of Faith-Based and Neighborhood Partnerships, functions as a liaison office for all non-governmental initiatives that draw financial support from the federal government. Yet another major change that was introduced by the executive order of president Obama is a creation of a new advisory organ of the program – President’s Advisory Council on Faith-Based and Neighborhood Partnerships. However, when it comes to money distribution, no safeguards have been set and the financial side of faith-based initiatives remains rather unclear. *“Government agencies have been criticized repeatedly for inadequately watching these programs. Besides the criticism in various court decisions, the Government Accountability Office has twice raised questions about cloudy guidelines and inadequate safeguards against government-financed evangelism. In its most recent audit released in June, the G.A.O. [author’s note; U.S. Government Accountability Office released in June 2006 a report on progress in monitoring of the faith-based and community initiatives], which*

⁸⁹ Executive Order 13498, February 5, 2009

examined faith-based organizations in four states, found that some were violating federal rules against proselytizing and that government agencies did not have adequate safeguards against such violations."⁹⁰ The report of U.S. Government Accountability Office also states, that it is very hard or almost impossible to track down the money that goes to the program. Constitutionality of the use of the federal money in these programs is also hard to determine, since it is sometimes difficult to distinguish between religious and secular activities.

Financials of the faith-based initiatives, as set by president W. Bush, are one of the most criticized parts of the program. The program allocates literally billions of dollars with lack of functioning system of safeguards and checks. The amount money that is granted to Faith-based organizations is large. According to a report that was issued by the White House Office of Faith-Based and Community Initiatives in 2004, during the fiscal period 2002 – 2003, only five federal agencies (Department of Health and Human Services, Department of Housing and Urban Development, Department of Education under 'No Child Left Behind', Department of Justice and Department of Labor) awarded grants to faith-based organizations equaling 1, 17 billion dollars. That was 8,1% of all competitive funding grants for the five agencies. In some departments, that was over 50% increase to the numbers before the new system introduced by the administration of president George W. Bush. The Department of Housing and Urban Development had a 100% increase in 2003 in comparison to year 2002 in the amount of money that was awarded for grants.⁹¹ Another statistic shows the increase of number of organizations that were awarded the faith-based grants during the two administrations of president Bush. In 2003, it was 1634 organizations that were receiving grants, whereas in 2006 it was already 2300. In 2006, the sum of money awarded to faith-based non-profit organization had already exceeded 2 billion dollars; it equaled almost 2,18 billion

⁹⁰ Henriques, Diana B., Lehren, Andrew: *Religion for Captive Audience, with Taxpayers Footing the Bill*; The New York Times (December 10, 2006)
http://www.nytimes.com/2006/12/10/business/10faith.html?_r=4&pagewanted=4&sq=americans%20united%20for%20separation&st=cse&scp=4

⁹¹ *Select Grants to Faith-Based Organizations at Five Agencies*; The White House Office of Faith-Based and Community Initiatives (March 2, 2004) p. 4

in comparison to 12,56 billion awarded to non-sectarian organizations.⁹² That represents close to 15% of the overall sum in 2006, 7% more than in 2003.

Putting aside the lack of clarity in finance distribution, there has also been significant critique pointing out that the White House under president Bush was putting too much emphasis on the faith-based initiatives. The administration of president Bush has made faith-based initiatives one of the key domestic policies. Even though it was preliminarily excluded by Executive Order 13199⁹³, to some extent, the initiatives are supposed to act as a substitute for state and federal social services.

However, critique asserts that charitable social services, no matter if faith-based or of strictly secular, non-sectarian nature, are always selective. There is never a certainty that all in need will be served, since charitable services are always created voluntarily. In addition to that, even though some larger charitable organizations work systematically and are providing long-term solutions, the activities of any charitable organizations cannot be granted in long term. Similarly, there is no systematic control of results of work of charitable organizations besides eventual inner audits of the charities. If any governmental inspection of charitable work is possible, it is always only in direct connection with a governmental grant. However, most charities in the United States are to a large degree depended on money from donations. Therefore, the federal government that provides grants for specific actions, and not grants to sustain existence of a charitable organization, can only inspect, if the money that are provided from federal resources are used in agreement with provisions of the grant. It means that there is no federal control of overall strategies of the charity-provider. Yet another problem connected with the grant system of faith-based initiatives programs is the allocation of grants. The grants are provided for states and chapters such as housing, agriculture, prisons, etc. However, there is no guarantee that the money from federal grants is placed in an even way in the states geographically and evenly when it comes to population distribution. Some parts of states therefore can be served; some can be, to a large degree, omitted.

Charitable work is and has been part of a long tradition since the Reformation in Europe during the Middle Ages. The United States, with a great share of citizens hailing

⁹² *Quiet Revolution; The President's Faith-Based and Community Organization: A Seven-Year Progress*; The White House (February 2008) p. 87

originally from Protestant countries, have adopted this tradition. However, critics point out that there are doubts, if charitable work of various non-governmental organizations can to some degree supplement a much more systematic federal funded social work.

4.4 Faith-Based initiatives as a crucial domestic policy of President Bush

Faith-based initiatives program, as created by the administration of president George W. Bush, is certainly questionable in various ways. Some of liberal watchdog and advocacy groups, including the American Civil Liberties Union, Americans United for Separation of Church and State or Theocracy Watch are critical mostly to the possible violation of the Establishment Clause of the First Amendment of the Constitution of the United States. There have been some successful attempts to prove the practices of some of the faith-based initiatives unconstitutional. Some of projects under the faith-based initiatives are according to evidence used as a tool of heavy indoctrination of religious groups. This mainly applies to various evangelical groups. However, these cases seem to be not more than excess and deviation from the norm. Generally, federal money is intended for use for strictly non-sectarian, secular activities of religious charities. The faith-based initiatives have proved to be successful in many cases and as such, various non-governmental advocacy groups defend them, for example the conservative Becket Fund for Religious Liberties.⁹⁴

The federal government has allocated a comparably very large amount of resources to the faith-based initiatives during the presidencies of George W. Bush. This raises logical questions, including who benefits the most from the program. Since president Bush was endorsed by many Christian Right speakers and public figures, there are allegations that these organizations, as a reward, have had access to federal funding for their activities like never before in the history of the United States. However, these allegations cannot be supported by indubitable evidence. The former president was a proponent of the idea that all that money is better and foremost more effectively used by

⁹³ Executive Order 13199, January 29, 2001

⁹⁴ *Becket Fund Defends IFI, Faith-Based Initiatives Before O'Connor, 8th Circuit* The Becket Fund for Religious Liberties (February 14, 2007)

religious charitable organizations rather than by the bureaucratic apparatus of federal government.

The query to what extent should the state convey the sphere of social work to non-governmental, charitable organizations - no matter if religious or secular in consequence leads to a question of whether the government should be less or more. Therefore, the question of federalism touches the issue of faith-based initiatives. Some scholars of the libertarian spectra of political thought and those who favor limited federal government would question, whether the federal government should be allocating money in states of the federation for charitable work. This was a policy recommendation by a member of Cato Institute to the administration of president Bush: *“Today the redistributive powers of Congress are everywhere -- except in the Constitution. The result is the feeding frenzy that is modern Washington... as each tries to get his share and more of the common pot the tax system fills... The Framers did not empower government to take from some and give to others. They did not establish a welfare state... We need to remind the Bush administration that welfare, like education, is not a federal function -- no matter whether the redistributive acts are affected by public sector bureaucrats or publicly funded faith-based charities. Unconstitutional government acts remain unconstitutional even when performed efficiently through private subcontractors.”*⁹⁵

The faith-based initiatives were put sometimes in evidence, that George W. Bush was leading the United States under the influence of sectarian forces, precisely the Christian Right. It is inevitable to think of that, since the president was in addition using even some very specific language, calling for example the members of faith-based initiatives ‘the Armies of Compassion’.⁹⁶ Most of longer-term reports on the activities of the White House Office of Faith-Based and Community Initiatives and the program as such were appended with the epithet ‘the president’s’, like reports to nation’s governors ‘the President’s Faith-Based and Community Initiative in 50 States’⁹⁷ or the overall report from 2008 called ‘Quiet Revolution; The President’s Faith-Based and

<http://www.becketfund.org/index.php/article/632.html>

⁹⁵ Levy, Robert A.: *The Federalist Case against Faith-Based Initiatives*; Cato Institute (February 20, 2001) http://www.cato.org/pub_display.php?pub_id=4368

⁹⁶ Bush, George W.: *Rallying the Armies of Compassion* (January 2001)

⁹⁷ *The President’s Faith-Based and Community Initiative in 50 States; Reports to Nation’s Governors*; The White House (February 2008)

Community Organization: A Seven-Year Progress'⁹⁸ The president was speaking on the topic of faith-based initiatives numerous times and personalized the program as his personal accomplishment. In addition even the content of reports issued by the White House and the White House Office of Faith-Based and Community Initiatives on the topic is significant in its rhetoric. 'The Quiet Revolution' report similar to yearly reports puts the religious groups, as a special category, aside from the non-religious receivers of federal grants from the program.

According to the survey of the Pew Forum, the faith-based initiatives were popular in 2001, when president Bush was introducing the new system of faith-based initiative. The percentage of support has even increased during the two presidencies of George W. Bush. The lowest approval rate of the faith-based initiatives was 66%, which was still more than when president Bush became president.⁹⁹ The survey also shows that popularity of the institution of faith-based initiatives differs in various religious groups and is not particularly high among evangelical Christians in comparison to other religious groups, for example Black Protestants who support the initiatives by 88%. The popularity of the faith-based initiatives has even declined significantly among evangelical Christians during the two administrations of president Bush (from 77 to 65%)¹⁰⁰.

Yet another survey reveals the approval rate of president Bush and his performance in office. According to Rasmussen Reports, the president's approval rate had been below 40% since January 2007 until the end of his presidency and the disapproval rate was also constantly attacking record points. The disapproval rate ranged from 57 to 65%.¹⁰¹ It is therefore not illogical for a president and administration with historically low rates of approval to put emphasis and take personal credit for policy, which is

⁹⁸ *Quiet Revolution; The President's Faith-Based and Community Organization: A Seven-Year Progress*; The White House (February 2008)

⁹⁹ *Faith-Based Programs Still Popular, Less Visible*; The Pew Forum on Religion and Public Life (November 16, 2009) <http://pewforum.org/Social-Welfare/Faith-Based-Programs-Still-Popular-Less-Visible.aspx>

¹⁰⁰ *Faith-Based Programs Still Popular, Less Visible*; The Pew Forum on Religion and Public Life (November 16, 2009) <http://pewforum.org/Social-Welfare/Faith-Based-Programs-Still-Popular-Less-Visible.aspx>

¹⁰¹ *President Bush Job Approval*; The Rasmussen Reports (January 5, 2009) http://www.rasmussenreports.com/public_content/politics/political_updates/president_bush_job_approval

popular by general public. The Quiet Revolution report for 7 years of faith-based initiatives programs under Bush was probably emphasized also with the forthcoming 2008 presidential and Congressional election in sight. But that applies mainly to the later stages of presidency of George W. Bush and the faith-based initiatives were in the center of president speeches since 2001. This could be easily explained by permanent campaign; steady emphasizing of the steady popular program.

When it comes to Christian Right, there are no official statistics that would show the percentage of faith-based initiatives grants awarded to this group specifically. The number of Christian organizations of all denominations is though much higher in comparison to other religions. The Freedom from Religion Foundation even shows some data; according to Linda Allewalt of the FFRF, impressive 98,3% of grants that are allocated through faith-based initiatives grants are given to Christian organizations¹⁰². However, the reliability of the number is doubtful since there is no specification of time period or any source of the data. In case the information is accurate, the percentage would be very disproportionate to demographic situation since only approximately 78 % of all Americans belong to all Christian denominations, including catholic.

¹⁰² Allewalt, Linda: *A Troubling Court Ruling*; *Freethought Today*, Vol. 24, No 8., October 2007 Freedom from Religion Foundation Inc

5 Interest Group Politics and the Christian Right

In the sense of interest groups, American politics used to be a much different environment, before the 1960s and the civil rights movement; politics in the USA were a rather closed and elitist society. Both the executive and legislative power was in hands of a relatively small circle of people. The Congress used to be a strictly hierarchical institution with powerful committees and great importance that was delegated on the chairs of congressional committees. This has however changed thanks to various congressional reforms. The structure of committees and subcommittees has become more complicated; the number of subcommittees has increased. As a result, the power of hierarchical structure has decreased. The Congress has become a much more open institution, open to the public and lobbying. Executive branch has also become more open. Employing new staff has become one of the crucial challenges of every president elect during first weeks and month after election, so that he can surround himself by dependable employees. The fluctuation of member of staff of the executive has therefore also increased.

With the political and institutional changes that started in 1960s, the United States would probably have much confidence in its political system, if Watergate did not occur. The Watergate affair and month of cover up tactics that followed have changed American politics tremendously. The confidence in the system by public is low and newspaper and media keep supplying the society with new stories that uncover connection between politicians and private, business or ideological interests. According to a long-term Gallup poll survey, both the Executive and Legislative branch have a very low level of trust by American people in comparison to the judicial branch that is steadily trusted over last three decades.¹⁰³

There are certainly many reasons to worry about interconnection of lobby groups, private money and politicians. After all, it is the task of every candidate for public office in the United States to secure his or her funding; funding is crucial for candidates to have a chance to be elected. It is logical then that there might be some sort of reciprocal relation between the one who provides money and the one who was elected thanks to it.

¹⁰³ Newport, Frank: *America's Trust in Legislative Branch at Record Low*; Gallup (September 10, 2009) <http://www.gallup.com/poll/122897/americans-trust-legislative-branch-record-low.aspx>

Interest groups are omnipresent in the American politics and it is impossible to avoid their presence, since every democratic society offers space to plurality of thought and conflicting interests. Within lobbying, there is a special category – ideological lobbying, that does not function fully by the ‘natural laws of money’, their main motivation, or at least not the primary motivation, is not money but doctrine, ideology, or in some cases God.

The Christian Right and its presence in the so-called ‘corridors of power’ has become extremely worrisome to many Americans. To many, Christian Right is an ideological group, which in consequence might endanger the democratic system of the country through its bigotry, and might had a great deal of influence on the president of the country and the party, which he was elected for. And it is even more troublesome to the more liberal parts of American society; majority of Americans does not consider religion in politics as a problem. In 2006, the Pew research came with assertion that in fact, it is the other way around: *“Democrats bemoan the influence of Christian conservatives, while Republicans are critical of the influence of liberals. Among independents, 56% say conservative Christians have gone too far in imposing their religious values while 65% are critical of liberals for trying too hard to keep religion out of schools and government. Overall, nearly seven-in-ten Americans (69%) say liberals have gone too far in trying to keep religion out of the schools and government, essentially unchanged from a year ago. Significantly, concern over efforts of the political left to limit religion's influence crosses party lines. Large majorities of Republicans (87%), independents (65%) and Democrats (60%) decry efforts by liberals to limit religious influence in the public sphere, including 70% of conservative and moderate Democrats. But just 38% of liberal Democrats express this view.”*¹⁰⁴ Yet, even though the fear of influence of the Christian Right on society might be quite low and religious groups that are influencing politics might not be regarded problematic, the existence of interest groups, however inevitable, is always worth a close observation. And then, lobbying in the United States might be more complicated than it seems. First of all, the net of influence is very hard to decode, especially in the case of ideological lobbying.

5.1 In Court

Interest groups with some ideological mission have slightly different position in comparison to non-ideological interests. Ideological lobbying is a minor share of lobbying actions in the Congress, minor at least when it comes to amount of money that is dedicated to it. This is documented by data, which is released due to Lobbying Disclosure Act of 1995¹⁰⁵. Yet, lobbying the Congress, also sometimes called ‘direct lobbying’, is only one means of influencing politics. In fact, even the president and Executive Office of the President are a powerful competitor in lobbying. They are not solemnly object of lobbying, but they are often an active player.

Therefore, interest groups cannot only influence both the executive and legislative branch. Interest groups could be a tool used by the president and the executive, party or individual legislators. The interest groups often influence judiciary as well. That is done not simply by rallying for or against candidates for the Supreme Court of the United States or courts of lower instances, but that certainly happens too. An important tool of many interest groups is simply filling lawsuits or writing amicus curiae briefs.

There is a difference between tactics of conservative and liberal interest groups when it comes to judiciary. Filling a suit can be beneficial for an interest group in more ways; through precedence, it could change the society. Cases like *Brown v. Board of Education* or *Roe v. Wade* are nevertheless rare. Anyway, interest groups in any case choose very carefully, if they could gain more or lose more. Another benefit of filling a suit is bringing attention, both the interest group and to the issue. Another way of gaining influence by court is to fill amicus curiae briefs, which is connected with a lesser risk, since amicus brief is a way how to make the court hear opinion of the interest group, which means it is associated with little risk. Larger interest groups fill routinely dozens of amicus briefs, often in support of another interest group from the same idea corner. In chapter on faith-based initiatives, I mentioned the Supreme Court case *Hein v. Freedom from Religion Foundation*; amicus in support of the FfRF was filled by Americans United for Separation of Church and State.

¹⁰⁴ *Many Americans Uneasy with Mix of Religion and Politics*; Survey report; Section II. – Religion and Politics, The Pew Center for the People & the Press (August 24, 2006) <http://people-press.org/report/?pageid=1082>

Typically, conservative interest groups would do the later of the two possibilities; they would more often fill an amicus. On the contrary, in comparison to conservative groups, the liberal groups are traditionally more inclined to fill a suit or co-sponsor it. That is connected with historical experience; some of the major achievements of the civil rights movement were done through landmark cases. Yet another reason is the nature of the interest. Conservatives are inclined to keep the status quo; liberals challenge it. Obviously, there are some cases that most of conservative interests would like to see overturned. However, conservative interests are risking more, when filling a suite, since their supporters are less inclined to accept something that is often nicknamed ‘judicial activism’. It is interesting that the conservative interests did not step in with a test case more often from the time when the Supreme Court was more inclined to conservatism, which is since the presidency of Ronald Reagan.

Liberal interest groups are less likely to lose credit in eyes of their supporters when they lose a case so they are trying to challenge law through courts on regular basis; even more so, because they have over the three last decades faced a relatively conservative Supreme Court. Another difference in tactics of liberal interest groups is joining forces. It is not uncommon to work on a case together with more interest groups in cooperation. This also applies to filling amicus briefs: “... *amicus briefs liberal groups file are frequently “love fests”, that is, it not uncommon to have thirty or more liberal groups coming together on one brief to apprise the Court of their collective view.*”¹⁰⁶ Whereas O’Connor and McFall state that conservative interest groups tend to participate in cases where no other conservative group is active in. On the contrary, they are likely to participate on cases in which liberal interest groups are engaged in. That is probably explained by a need to respond and serve the public by filling amicus and presenting their opinion.

Christian Right groups have traditionally participated in a smaller number of cases and have sponsored less landmark cases than their liberal counterparts. But even Christian Right has its court champions; one of crucial organizations for the movement is the America Center fro Law and Justice. Since late 1990s and early 2000s, the Christian Right organizations that are active in judicial proceedings became more

¹⁰⁵ Lobbying Disclosure Act of 1995, Public Law 104 - 65, (H.R. 2564) 104th Congress

organized and centralized. Alliance Defense Fund was created in order to coordinate funding of the Christian litigation. The Alliance Defense Fund remained prominent among Christian Right, it was providing not only funding but also training in religious cases for lawyers of other Christian Right organizations. One of the reasons for this were massive donations by some prominent evangelicals including Jerry Falwell. However, the organization lost this support because of policies disputes and ADF lost its leading role in financing and coordination¹⁰⁷ and shares now the function with another groups like Association of Faith-Based Organizations.

Participation on Supreme Court cases and on the process of decision-making in the judiciary is a very important way for interest groups to get attention and in some cases also public credit. Another important way to pursue its opinions and its preferences is influencing political process; this is usually achieved through influencing political nominations – financially, through public support, or direct campaigning.

5.2 Campaign Donations

I have dedicated Chapter 2 of this work to the tactics presidential candidacy of George W. Bush, since both of his campaigns, in 2000 and in 2004, is often being connected with Christian Right interest groups and personalities. Yet, apparently it is not only the presidential candidacy and presidential politics that is in the center of attention of interest groups. Nevertheless, the situation of Christian Right is here somewhat more complicated. Interest groups can and often support candidacy of their favorable candidate, but churches cannot, if they want to keep their tax exception, which is granted to them by the federation. Money donation is problematic too, but the problem is resolved by the institute of political action committees. Political action committees is an important tool for money donations to or against political campaigns. Contrary to donating money individually, doing it through a Political Action Committee is one of the few legal way for an institution to donate money to a political candidate. According to Federal Election Committee, PAC is any organizations that has raised or

¹⁰⁶ O'Connor, Karen, McFall Bryant Scott, ed. Petracca: *The Politics of Interests, Interest Groups Transformed*; Westview Press 1992, p. 273

spend over 1000 dollars in connection with federal election and therefore needs to register with the FEC and submit regular report on its donations and activities.

Political Action Committees are important donors especially in Congressional election. Many of PACs are local and therefore are more likely to submit money to Senate or House of Representative elections. In the large-scale donations of presidential campaigns, PAC donations are much less significant. As Stephen Wayne puts it: *The road to Congress may be paved with contributions from political action committees (PACs), but the road to the White House is not. However, the road is cluttered with the election activities of candidate's parties, their sympathizers, and nonparty groups, which have a noticeable effect on the presidential contest.*¹⁰⁸ In 2000 presidential campaign, George W. Bush received 101 million dollars in individual contributions and additional 2,3 million from Political Action Committees. When looking at the PACs that contributed, some religious organizations and pro-life organizations are on the donor list, but it is a minor share of all the donations.¹⁰⁹ Some of these are for example Christians and Jews for Life, Pro Life Citizen PAC, Illinois Federation for Right to Life inc. PAC, Iowa Catholics for Life, but also Capitol Hill Prayer Alert Committee Election Fund.¹¹⁰ None of these PACs has however donated more than a couple of thousand dollars.

Similar was the situation during the presidential election in 2004. President as incumbent candidate had already raised over 270 million in individual donations; the amount of money from PACs increased but did not exceed 3 million dollars¹¹¹. The

¹⁰⁷ Hacker, Hans J., ed. Herrnson Paul S., Shaiko, Ronald G., Wilcox, Clyde: *The Interest Group Connection, Electioneering, Lobbying and Policymaking in Washington*; CQ Press 2005, second edition, p. 371

¹⁰⁸ Wayne, Stephen J., ed. Herrnson Paul S., Shaiko, Ronald G., Wilcox, Clyde: *The Interest Group Connection, Electioneering, Lobbying and Policymaking in Washington*; CQ Press 2005, second edition, p. 112

¹⁰⁹ *Candidate (P00003335) Summary Reports - 1999-2000 Cycle*; Federal Election Committee (accessed May 5, 2010) http://query.nictusa.com/cgi-bin/cancomsrs/?_00+P00003335

¹¹⁰ *Committees Who Gave To This Candidate: George W. Bush (2000)*; Federal Election Committee, (accessed May 5, 2010) http://query.nictusa.com/cgi-bin/can_give/1999_P00003335

¹¹¹ *Candidate (P00003335) Summary Reports - 2003-2004 Cycle*; Federal Election Committee (visited on May 5, 2010) http://query.nictusa.com/cgi-bin/cancomsrs/?_04+P00003335

ration of money from PACs to individual contributions had therefore even decreased. Yet, when looking closely to the list of contributions to and against second presidential campaign, we see a more interesting picture. NARAL Pro-Choice PAC, which is one of the largest liberal ideological PACs and is concerned with pro-choice campaigning, has donated over 100.000 dollars against the candidacy of president Bush. One of the largest donors for president Bush was yet another organization that is concerned with abortion legislation – the National Right to Life Political Action Committee, the donation of this PAC was over 800.000 dollars. Another larger donor was Christian Voter Project, Right to Life Michigan Political Committee. Despite of that, the money donated by pro-Life, mostly with Christian Right affiliated organizations, does not represent a crucial amount of money.¹¹² Not all pro-life advocacies were though in favor of candidacy of president Bush. In addition to NARAL donating against president Bush, another female pro-choice PAC with a rather peculiar name ‘Early Money Is Like Yeast’ but better known under acronym EMILY’S List donated a significant amount of money to Democratic candidates.¹¹³

Political action committees are not the only possible way of influencing election. Christian Right organizations have participated in different ways of donating money. Various ideological and single-issue advocacies often step in the race by campaigning themselves. These organizations often publish their own ads and posters and campaign via mail and phone. Since the grassroots actions such as volunteer phone-calls do not necessarily need to be officially connected with any organizations, they could be hardly accredited to someone. Who was responsible for some grassroots actions is often matter of pure guessing. Some actions are done officially and in coordination with other groups with similar ideological background. For example during primaries in 2000, there was a large grassroots campaign against John McCain organized by Christian Coalition in Virginia and South Carolina that was particularly successful; in a similar way, in 2000, the National Association for Advancement of Colored people was rallying against presidential candidacy of George W. Bush by targeted phone calls to black

¹¹² *Committees Who Gave To This Candidate: George W. Bush (2004)*; Federal Election Committee, (accessed May 5, 2010) http://query.nictusa.com/cgi-bin/can_give/2003_P00003335

Americans.¹¹⁴ Of the conservative circles, Christian Right organizations often cooperate with non-religious pro-life organizations and with another large PAC donor for George W. Bush, which is the National Rifle Association of America. These organizations can be particularly successful, when they are rallying during primaries for or against one candidate and in mobilizing voters with similar ideological preferences; they can increase the turnout during election within a specific group of voters.

Congressional campaigning and donating is very different from presidential. The party loyalty is for various reasons quite small in comparison to party loyalty in most European countries. Congressmen tend to vote regionally to please their electorate and according to their conscience. In most cases, the members of Congress are not even financially dependent on their party. They are in fact to a large degree reliant on political action committees and donations by individuals.

When looking at the numbers of money donations to individual politicians, it is always the presidential candidates, who receive the most money from lobbyists via PACs, but that establishes only a small percentage of their overall financial sources. Incumbent members of Congress and new candidates to the Congress are in a different position. PACs donate often a large percentage of their campaign budget. This should make them much more vulnerable to lobbying and they in theory should vote in line with the wishes of their donor. However, situation in ideological lobbying is somewhat different. Voting on ideological issues is in the center of attention of many voters and if a member of Congress votes against his pre-election statements, he or she is in a high risk that the ideology-concerned voter will vote for different candidate next term.

Another important aspect of ideological lobbying in Congress is what groups are active during what term. When Congress was Republican dominated, more conservative groups were donating more money to pro-life lobbying, whereas since 2008, pro-choice

¹¹³ *EMILY'S List, Heavy Hitter*, Center for Responsive Politics, OpenSecrets.org (accessed May 9, 2010)

<http://www.opensecrets.org/orgs/summary.php?id=D000000113>

¹¹⁴ Wayne, Stephen J., ed. Hermson Paul S., Shaiko, Ronald G., Wilcox, Clyde: *The Interest Group Connection, Electioneering, Lobbying and Policymaking in Washington*; CQ Press 2005, second edition, p. 116, 125

groups are donating more money in comparison to their activity during the George W. Bush era.¹¹⁵

The Republican Party is often viewed as the party with close religious links and religious lobby donating large sums of money. Most conservative religious lobbies do donate to the GOP; this does not only include the Christian Right, but also conservative Jewish groups. Religious lobbying is specific in the split of money donated to parties; the groups tend to donate solemnly to one party. That is different in many issue advocacy lobbies, since for example pro-life lobby often donates to pro-life candidates of both parties.

Republican Party is not a party with more donations by religious groups, as it might seem. *Despite stereotypes that people of faith are often conservative and frequently Republicans, 58 percent of these contributions actually went to Democrats. During the last two decades, contributions have actually been evenly split between the two major parties.*¹¹⁶ In 2000 and 2002, the candidates of GOP received more in money contributions from religious lobby, but the difference did not exceed 10% of donated money.

Christian Right, however, does not donate solemnly to religious lobbying; it often engages in donations to various different ideological lobbying, therefore it is almost impossible to get a complete picture of the structure of donating by evangelicals.

As I have already mentioned, churches cannot directly endorse a candidate or a political party, since they would lose their tax exception. *“To retain federal tax status, the IRS¹¹⁷ prohibits religions from acting like political action committees. They may inform their parishioners how particular candidates are voting on issues of concern to them but they may not endorse particular candidates— hence the “voter guides” handed out in many churches and synagogues before elections. As the wording and intent of these voter guides inch closer to outright advocacy for particular candidates,*

¹¹⁵ *Abortion Policy/ Pro-Life*; Center for Responsive Politics, OpenSecrets.org (accessed on May 17, 2010)

<http://www.opensecrets.org/industries/background.php?cycle=2006&ind=Q14>

¹¹⁶ *Clergy and Religious Organizations: Background*; Center for Responsive Politics, OpenSecrets.org (accessed May 19, 2010)

<http://www.opensecrets.org/industries/background.php?cycle=2010&ind=W05>

¹¹⁷ Internal Revenue Service, US government agency responsible for tax collection and tax law enforcement

some churches are finding that the IRS is challenging their tax exempt status and that their political enemies are only too happy to point the IRS toward such churches."¹¹⁸

There are nevertheless other ways, how to support a candidate. It is for example by talking about specific issues and values, which are connected with a candidate. Another possibility is that the head of a church or well-recognized personality that is connected with the Christian Right movement endorses the candidate as a private person. In 2004 presidential election Dr. James Dobson of the Focus on the Family endorsed the candidacy of George W. Bush.¹¹⁹ That was his first direct endorsement, but many Christian Right do it during every election.

Some single-issue advocacy groups and even churches can also help their preferable candidate by asking their supporters to send individual donation to the candidate. Individual donation was up to 1000 dollars, as defined in the Federal Election Campaign Act.¹²⁰ Since the adoption of McCain – Feingold act, this amount increased to 2000 dollars plus inflation per candidate.¹²¹ (Different limits are set to individual donations for National Party Committees). Individual donations are the largest source of campaign money for candidates.

Another possible way of donation for an organization is to co-sponsor activities connected with national convention that nominates presidential candidate. Though this is usually the domain of large private companies. The Republican Convention is, however, often sponsored by the National Rifle Association as well as the Christian Coalition. The National Rifle Association is the only ideologically based single-issue advocacy group that appears on the list of 100 largest donors to political parties. NRA has over the period between 1990 and 2010 donated over 14 million dollars, mostly to Republicans. The largest yearly contribution over the two decades was done in year

¹¹⁸ ed. Silk, Mark: *Religion and American Politics: The Election 2000 in Context*; Center for the Study of Religion in Public Life, Trinity College, 2000, p.84

¹¹⁹ Kirkpatrick, David D., *The 2004 Campaign: The Christian Right; Evangelicals See Bush as One of Them, but will they vote for him?*; The New York Times (November 1, 2004)

<http://query.nytimes.com/gst/fullpage.html?res=9A04E2DC1E3DF932A35752C1A9629C8B63>

¹²⁰ Federal Election Campaign Law of 1971, Public Law 92-225 (February 7, 1972)

¹²¹ Bipartisan Campaign Reform Act of 2002, Public Law 107-155 (H.R. 2356) 107th Congress

2000, when the organization donated over 2,8 million¹²². A large part of the donation that year was done in ‘soft money.’¹²³ The National Rifle Association is still only number 38. on the list of the largest donors and in comparison, the largest spender, AT&T donated over the two decades almost 45 million, which was split almost equally between the GOP and the Democratic Party.

Public advocacy is another option often preferred by evangelical organizations. The Christian Coalition of America for example not only donates money and campaigns by itself, it also has a long tradition of single-issue advocacy, specifically pro-life, healthcare, has a campaign in support of National Day of Prayer. The organization has also published every presidential election since 1992 a preference material called ‘the Christian Coalition Voter Guide’, which sums up stances of candidates in value issues: *“Christian Coalition Voter Guides are one of the most powerful tools that pro-family conservatives have ever had to educate others on where candidates for public office stand on key faith and family issues. They have helped inform tens of millions of voters in every election since 1992. With the close competitive nature of many races this year, Christian Coalition Voter Guides could make all the difference in who represents you in public office - and it is critical that pro-family voters have the information they need before they go to the polls this November. They need to know where candidates for office stand on the important issues that impact our families.”*¹²⁴ Christian Coalition Voters Guides are also issued to Congressional and state election and are often distributed via churches. The Christian Coalition has been criticized for issuing the voters guides, since the materials state that there is no intention to endorse any candidate, however, topics on the guides are chosen selectively and the organization regularly supports chosen candidates by grassroots actions and donations.

In the United States, it is common to influence the political process both by supporting a candidate and by taking actions against somebody’s candidacy. Besides PACs and direct donations of money, ideological lobby is especially successful in

¹²² *National Rifle Association; Heavy Hitter*; Center for Responsive Politics, OpenSecrets.org (accessed May 9, 2010)

<http://www.opensecrets.org/orgs/summary.php?id=D000000082>

¹²³ soft money is money contributed to the entire party for issue advocacy and policy advertising, subject of reform of the Bipartisan Campaign Reform Act of 2002

¹²⁴ *Voter Guides*; Christian Coalition of America (accessed April 21, 2010)
http://www.cc.org/voter_guides

another tactics, which is mobilizing supporters and organizing grass root actions. General interest of public is certainly needed for this type of action. Ideology-based organizations are often successful in mobilizing its supporters. The Christian Right is especially advantaged in one important factor, many of its supporters attend church on weekly bases. A lot of conservative evangelical churches, so-called 'Mega Churches', gather at its services large numbers of believers. It is comparably easier to mobilize large numbers of supporters for specific issues if they are reachable personally through church. Mobilizing supporters is however easier also thanks to social networks, viral videos and other means of modern communication.

Mobilizing masses is not helpful per se; it however makes often a decisive advantage when interest group wants to influence politicians in both the executive and legislative branch. "*...when members of Congress are considering a policy issue before them, what often matters to them is not an amorphous perception of how the general public feels about the issue. Rather, they pay attention to whether there is a mobilized group of citizens out there that who care intensely about the issue and are likely to act political on their views.*"¹²⁵ And this is a pressure power that lobbying groups and organized interests are fully aware of. Mobilizing is advantageous to ideological lobby not only because it is relatively easier to them. Another great advantage of it is that since it is informal, it is impossible to regulate by the state. In fact, one of the few issues in which American Civil Liberties Union, one of the leading liberal lobbies, found a common ground with National Rifle Association, was when the interest groups were lobbying against proposed regulation on grassroots lobbying in 2004.

5.3 Direct Lobbying

Regulation of lobbying is a great effort of most democratic countries in the world, but it is virtually impossible to track down and regulate all sorts of lobbying since lobbying can be informal or beyond legality. Next to campaign donations, the most regulated way of influencing policymakers and public officials on the federal level is the direct lobbying. Out of the most influential evangelical lobby groups, many do not lobby directly, or if so, they do it through some other organization. But the core of

lobbying of many evangelical groups is in grassroots actions and public advocacy. One of these is for example Focus on the Family. As I have already explained in the introduction of this work, there are several methods of defining lobbying. In this work, I use term lobbying in the broader definition an action to “*seek to influence (a politician or public official) on an issue.*”¹²⁶

A large portion of lobbying is the old-fashioned direct lobbying. Direct lobbying, or narrow meaning of lobbying is defined in the Lobbying Disclosure Act of 1995 : *The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. The term “lobbying contact” means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of client with the regard to the formulation, modification, or adoption of Federal legislation (including legislative proposals); the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government; the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or the nomination or confirmation of a person for a position subject to confirmation by the Senate.* ¹²⁷ The law defines lobbying strictly as an action that is directly targeted to influence member of Congress, employees of the Congress in high positions, employees of Congressional committees and subcommittees, officer of the executive including the president and all employees from certain pay grade (O-7 and higher). According to the law, lobbyist is everyone who makes more than 1 lobbying contact and dedicates minimum of 20% of his working time to lobbying over a period of 3 months.

Every lobbying contact should be in case of legislative than reported to the Secretary of Senate or the Clerk of the House of Representatives. Executive branch has

¹²⁵ Tierney, John T., ed. Petracca: *The Politics of Interests, Interest Groups Transformed*; Westview Press 1992, p. 206

¹²⁶ *New Oxford American Dictionary*, Oxford University Press, second ed. (March 2005)

slightly different rules for reporting, the admission of registered lobbyists to executive branch is being restricted and lobbying contacts should be reported and published on WebPages of respective agencies. Lobbyists need to register in the Congress, even if they intend to lobby only the executive branch.¹²⁸ Lobbying the legislative is much more common and happens in much bigger numbers, in order to address any issue, quite a large number of contacts needs to be done, since the Congress at the first stage deals with new proposals in various committees.

Even though the United States has one of the most extensive legislatures on lobbying is hard to regulate fully. Employees of Congress and even elected members often leave for better-paid position in some lobbying company only to return to position in Congress a few years later. That seems to be a problem that is hard to address, even though there is a section on that matter in Honest Leadership and Open Government Act of 2007.¹²⁹ The so-called Revolving Door tactics is however not a common problem of ideological lobbying since the potential financial advantage in private sector and advantage of insider view in public sector is not so important. Ideological lobbies do not seek any precious information that could be used as an advantage in their business.

Direct lobbying can and but does not need to be connected with money spending. The core of this kind of lobbying is issuing written opinion on law that is in committee hearing in Congress, or it could be proposing amendments to some law, or on the contrary proposing to exclude some provision of a discussed law. Ideological groups tend to be active in this field of lobbying. There is a number of high-profile Christian Right groups, which address bill proposals on regular basis. In case of the Christian Right organizations, the bills that are reported in vast majority fall into these six categories: it is any laws that address marriage status and civil unions; laws concerning religious liberty and separation of church and state, public worship and prayer; laws concerning child and family protection; pro-life and pro-choice proposals; bills concerning dignified death and life termination; and finally nomination of new justices.

¹²⁷ SEC. 3. [2 U.S.C. 1602] Definitions (7), Lobbying Disclosure Act of 1995, Public Law 104 - 65, (H.R. 2564) 104th Congress

¹²⁸ Straus, Jacob R., *Lobbying the Executive Branch: Current Practices and Options*; Congressional Research Service (December 1, 2009)

¹²⁹ Honest Leadership and Open Government Act of 2007 (S.1) 110th Congress, Public Law 110-81

Prison Fellowship Ministries, otherwise an evangelical organization that helps prisoners during their time behind bars and with rehabilitation after they are released, in fact lobbies the stem-cell research laws, pro-life laws, Marriage Protection Amendment and public prayer laws in the Congress. As an organization that profits from faith-based initiatives, the PMF also lobbied Employment Non-discrimination Act of 2007¹³⁰, which was intended to prevent discrimination in employment based on sexual orientation of employee. The act was proposed in three Congresses (107th, 108th, and 110th) but never passed. The organization also addresses law proposals, which concern incarceration and punishment, however, between 2006 and 2008¹³¹, these represented only the minority of issues that the groups was reporting on.

One of the most active groups in reporting on law proposals is the Traditional Value Coalition, an organization that represents conservative Christian churches all over the country.¹³² Christian Coalition of America, or formerly only Christian Coalition, founded by Pat Robertson is another very active group with large spending on lobbying and donations between 2000 and 2004; in 2001 the CC spent over 2 million.¹³³

For example, the legislation on stem-cell research enhancement, which was vetoed by president Bush, was reported by Family Research Council, Traditional Value Coalition and Prisoner Fellowship Ministries in the case of the that passed the Congress in 2005¹³⁴. Reports were filled also by dozens of scientific institutions. The first two

¹³⁰ Employment Non-discrimination Act of 2007 (H.R. 2015, H.R. 3865) 110th Congress

¹³¹ Prison Fellowship Ministries; Center for Responsive Politics, OpenSecrets.org (accessed on May 14, 2010)
<http://www.opensecrets.org/lobby/clientbills.php?year=2009&lname=Prison+Fellowship+Ministries&id=>

¹³² *Traditional Values Coalition*; Center for Responsive Politics, OpenSecrets.org (accessed on May 14, 2010)
<http://www.opensecrets.org/lobby/clientbills.php?year=2009&lname=Prison+Fellowship+Ministries&id=>

¹³³ *Christian Coalition*; Center for Responsive Politics, OpenSecrets.org (accessed on May 14, 2010)
<http://www.opensecrets.org/lobby/clientsum.php?year=2000&lname=Christian+Coalition&id=>

¹³⁴ *Clients Lobbying H.R. 810*; Center for Responsive Politics, OpenSecrets.org (accessed on May 14, 2010)
<http://www.opensecrets.org/lobby/billsum.php?id=1626&lname=H.R.810>

named Christian Right groups also filled a report in the case of stem-cell bill in 2007¹³⁵. But most of the institutions that wrote a statement on the two bills were scientific research organizations.

Even though Christian Right groups often issue their statements on proposed legislation, their reports are in case of biological issues routinely outnumbered by statements and proposals, which are filled by natural scientists. In other cases, liberal organizations are just as active in adding their opinion as conservatives represented by the Christian Right. Interestingly enough, the National Rifle Association, which is a large campaign donor and is also active in direct lobbying, lobbies predominantly the same bills as Christian Right organizations.

¹³⁵ *Clients Lobbying S.5*; Center for Responsive Politics, OpenSecrets.org (accessed on May 14, 2010) <http://www.opensecrets.org/lobby/billsum.php?id=39094&lname=S.5>

Conclusion

As I have tried to show in the previous chapters, president Bush owes the Christian Right for his election in office to a large degree. There are several good reasons, why his engagements with evangelicals should be neither underestimated nor overestimated. The Christian Right had actively supported his candidacy, donated money, and campaigned on his behalf. The president was consciously anticipating this support and was trying to foster it especially in times of election, in times when he directly profited from this support.

Legislative power is not submitted to the president of the United States, but the president has important allies in the legislative branch. Therefore it is not too problematic for the president to find a sponsor for a bill, which he is in favor of. Except for the 107th Congress, with the Senate divided between Republicans and Democrats equally, the first three two-year terms, until midterm election in 2006, were in the Congress dominated by Republicans, who were holding majority in both chambers. It is, however, clear that in the American political system, even Republican-dominated Congress would not approve all Republican sponsored laws. The same would apply in case of Democrats. In the United States, party loyalty especially on the federal level is quite low. Yet, the president is a powerful persona in American politics and his intervention can be crucial.

Since president George W. Bush had maintained a close mutual relation with evangelicals during his two presidential terms and his election and reelection relied on Christian Right to some degree, there could be an assertion that the president would support the policies, which are favored by the group. However, that never happened, at least not to a large degree. The support and president's own evangelicalism remained to a large extent only verbal and never really materialized into actual actions. Even though the Christian Right is not entirely homogenous and disagrees on some topics, it is quite unanimous when it comes to some core values. Therefore most of their major demands, or rather wishes, on federal legislation are similar. There are some pivotal issues that the group shares. Some of the most representative would be the case of abortion legislation, human stem-cell research, and same-sex marriage legislation.

Human stem-cell research enhancement legislation¹³⁶ was vetoed by president's first veto in office, and that was also the fate of the second bill concerning the issue. Next to that, the president signed Partial-Birth Abortion Act of 2003¹³⁷ and warned that he would veto any liberalization of abortion legislature. However, that was by far not what the Christian Right would wish for or hope for. Republican Congress, Republican president and conservative Supreme Court could have done more in a try to challenge abortion laws and overturn *Roe v. Wade*, the landmark Supreme Court decision. The president never directly supported the idea of challenging legality of abortion in the United States, but he repeatedly showed his personal resentment of abortion as such. According to polls, only 29% of Americans would like to see *Roe v. Wade* overturned.¹³⁸ Therefore, the president and the Congress never acted beyond the wishes of most Americans and they did not reflect the demands of the Christian Right.

Similarly, proposals of Marriage Protection Amendment have never created more than disillusion among the Christian Right. The topic was used during presidential campaign 2004 to appeal to conservative Christian voters. The reality after election though never came close to hopes of the more conservative part of the Christian Right. As a result, the Christian Right voters started to turn away from president Bush. Some of Christian Right leaders had expressed great disappointment with the lack of action in terms of Marriage Protection Amendment. Yet another legislation that the evangelicals would like to pass through the Congress was new legislation on obscenity and child protection. But there was no will in the White House and not enough will in the Congress to push bills that were proposed by Christian Right groups through the Congress. As a result, any such new bill was introduced.

Though one of the first acts of president Bush in office was establishing new office of Faith-Based and Community Initiatives, it was a policy, which was especially appealing to the Christian Right, the majority of Americans approves the program and is not in favor of restricting it. President Obama has maintained the program without any major changes and in 2000, even Al Gore, democratic candidate for the presidency, stated that

¹³⁶ Stem Cell Research Enhancement Act of 2005 (H.R. 810) 109th Congress

¹³⁷ Partial-Birth Abortion Act of 2003 (H.R. 288) 108th Congress, Public Law 108-105

¹³⁸ *Abortion and Rights of Terror Suspects Top Court issues*; The Pew Forum on Religion & Public Life, (August 3, 2005) <http://pewforum.org/Abortion/Abortion-and-Rights-of-Terror-Suspects-Top-Court-Issues.aspx>

he would establish similar institution, if he was elected in office. Christian Right has profited from the program financially, since it is now eligible to more federal funding than ever before, but that is universal to all churches and denominations in the United States.

President Bush did not depend during his two presidential campaigns on donations by the Christian Right but he benefited greatly from grassroots lobbying by the Christian Right. Grassroots lobbying and the possibility of mobilization of supporters is probably the biggest potential of the Christian Right in American presidential politics and politics as such.

Still, when looking at an equation of what the Christian Right groups wanted and expected from president Bush, and what he and his administration really did, it is quite obvious that the president and his administration did not intend to act as an agent of conservative Christians. The Christian Right groups were foremost a valuable propagator during the election and Christian Right voters were representing a crucial electorate. The president, however, to a great deal respected the wishes of mainstream Americans and not the Christian Right, when he was in office. The large media presence of Christian Right and president's emphasis of his own religiousness could have created an image of strong religious influence on the president. The reality was nevertheless very different.

For all above-mentioned reasons, I believe that the influence of the Christian Right on president George W. Bush remained very limited during his two presidential terms. It is even possible to say that the president was simply trading on the support of the Christian Right in times when it was most beneficial to him.

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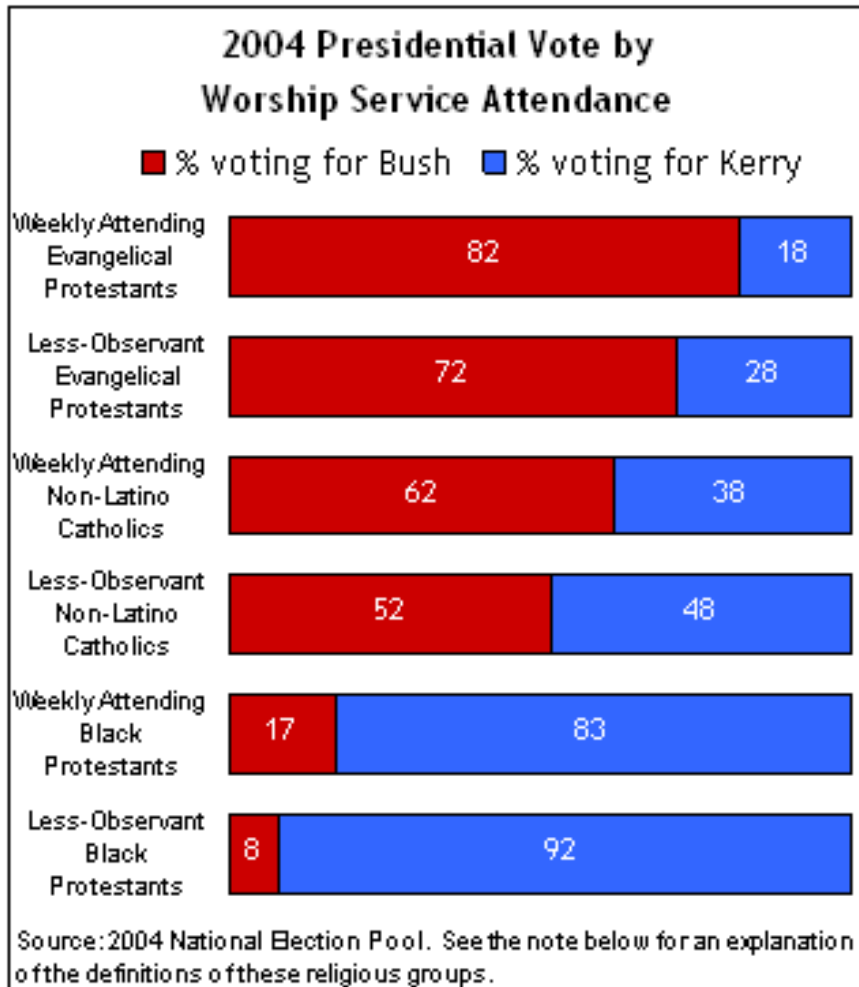
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Appendix

No. 1: 2004 Presidential Vote for Bush by Church Attendance



Source: Pew Research Center for the People & the Press, August 21, 2007
<http://pewforum.org/Politics-and-Elections/Religion-and-the-Presidential-Vote-A-Tale-of-Two-Gaps.aspx>

No. 2: 2004 Presidential Vote According to Religion

Religious Groups and the 2004 Presidential Vote		
Share of the Two-Party Vote		
	<u>Bush</u>	<u>Kerry</u>
	%	%
Evangelical Protestants	79	21
Weekly Attending Evangelical Protestants	82	18
Less-Observant Evangelical Protestants	72	28
Other Christians	67	33
Weekly Attending Other Christians	78	22
Less-Observant Other Christians	51	49
Latino Protestants	60	40
Weekly Attending Latino Protestants	68	32
Less-Observant Latino Protestants	48	52
Non-Latino Catholics	57	43
Weekly Attending Non-Latino Catholics	62	38
Less-Observant Non-Latino Catholics	53	47
Mainline Protestants	54	46
Weekly Attending Mainline Protestants	57	43
Less-Observant Mainline Protestants	52	48
Latino Catholics	37	63
Weekly Attending Latino Catholics	40	60
Less-Observant Latino Catholics	34	66
Unaffiliated	27	73
Jews	25	75
Other Faiths	18	82
Black Protestants	14	86
Weekly Attending Black Protestants	17	83
Less-Observant Black Protestants	8	92
All	52	48

Source: 2004 National Election Pool. See the note below for an explanation of the definitions of these religious groups.

Source: Pew Research Center for the People & the Press, August 21, 2007

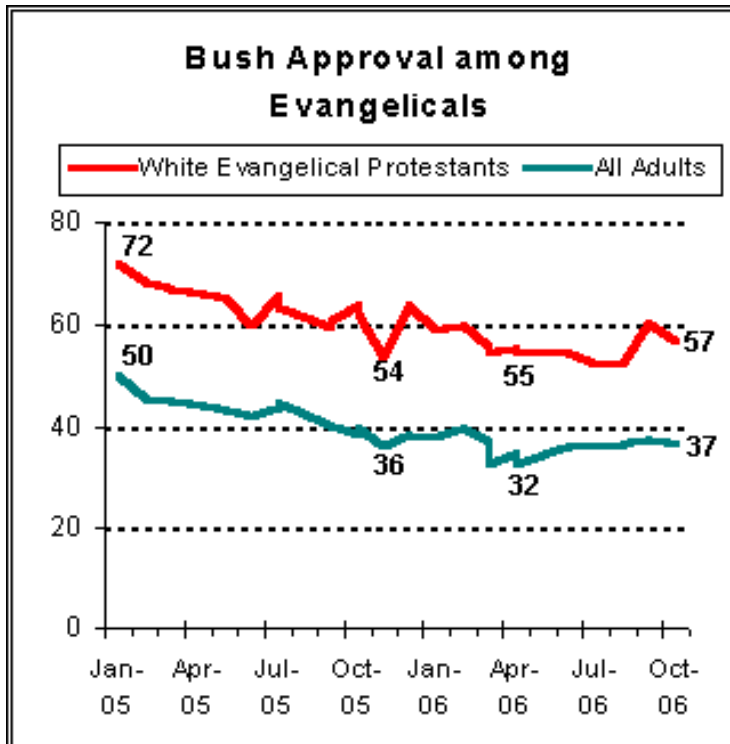
<http://pewforum.org/Politics-and-Elections/Religion-and-the-Presidential-Vote-A-Tale-of-Two-Gaps.aspx>

No. 3: Conservative Christians v. Liberals; Who Has Gone Too Far?

Who Has Gone Too Far?		
	Conserv. Christians in imposing their <u>religious values</u>	Liberals in keeping religion <u>out of government</u>
	%	%
Total	49	69
Republican	31	87
Conservative	24	90
Mod/Liberal	46	82
Democrat	59	60
Mod/Conserv	51	70
Liberal	80	38
Independent	56	65

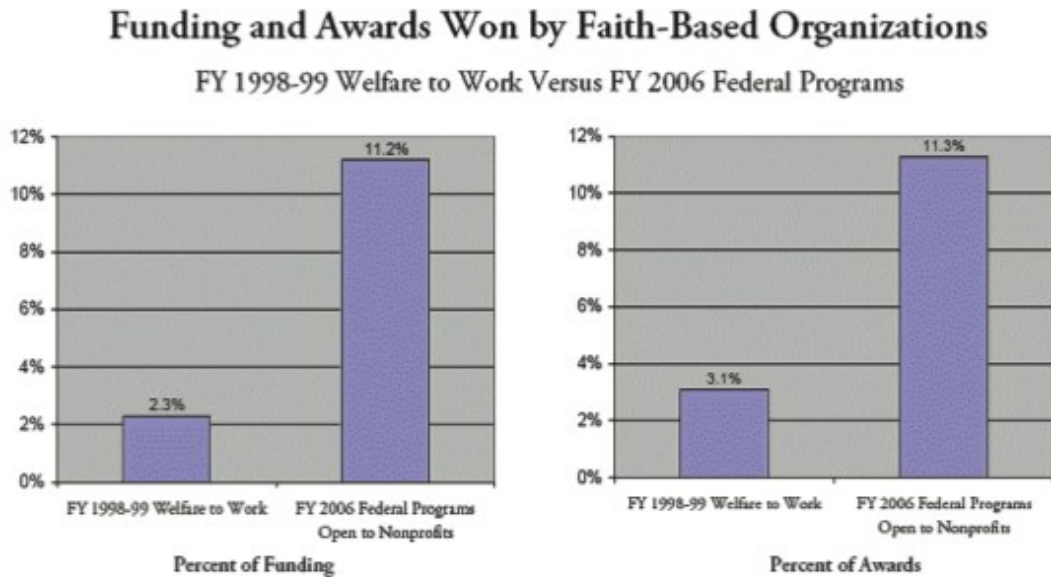
Source: Pew Research Center for the People & the Press, August 24, 2006
<http://people-press.org/report/?pageid=1082>

No. 4: Bush Approval among Evangelicals



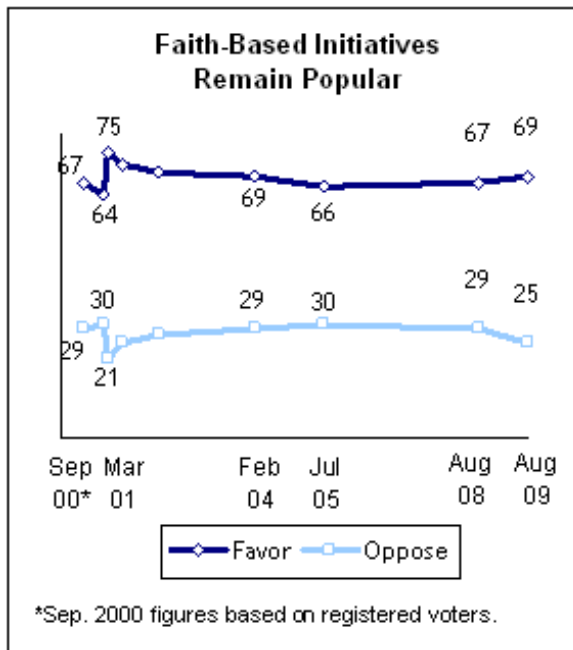
Source: Pew Research Center for the People & the Press, October 18, 2006
<http://pewresearch.org/pubs/78/evangelicals-and-the-gop-an-update>

No. 5: Comparison: 1999 and 2006 Funding of Faith-Based Organizations



Source: The White House; *Quiet Revolution* (2008), p 89.

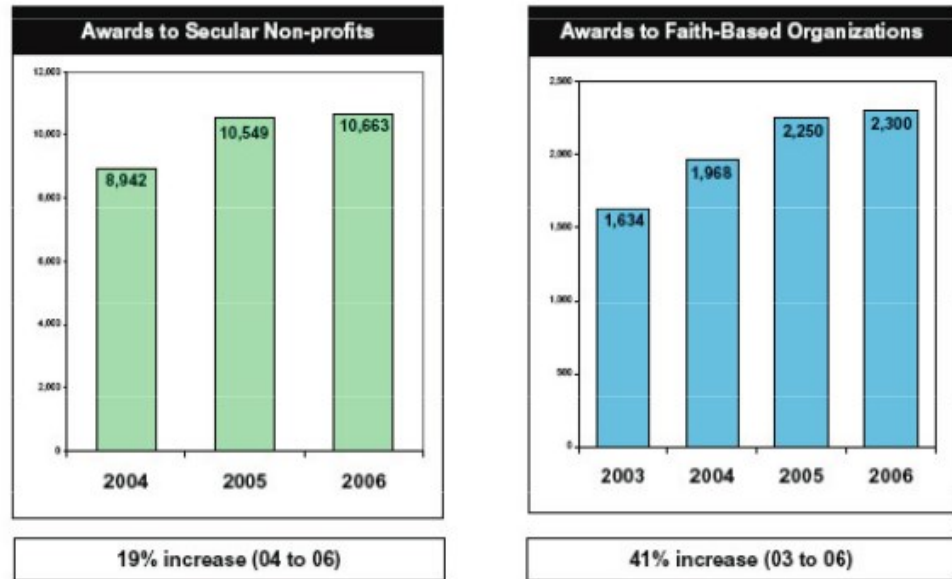
No. 6: Faith-Based Initiatives Popularity



Source: Pew Research Center for the People & the Press, November 16, 2009
<http://pewforum.org/Social-Welfare/Faith-Based-Programs-Still-Popular-Less-Visible.aspx>

No.7: Faith-Based v. Secular Organizations Funding

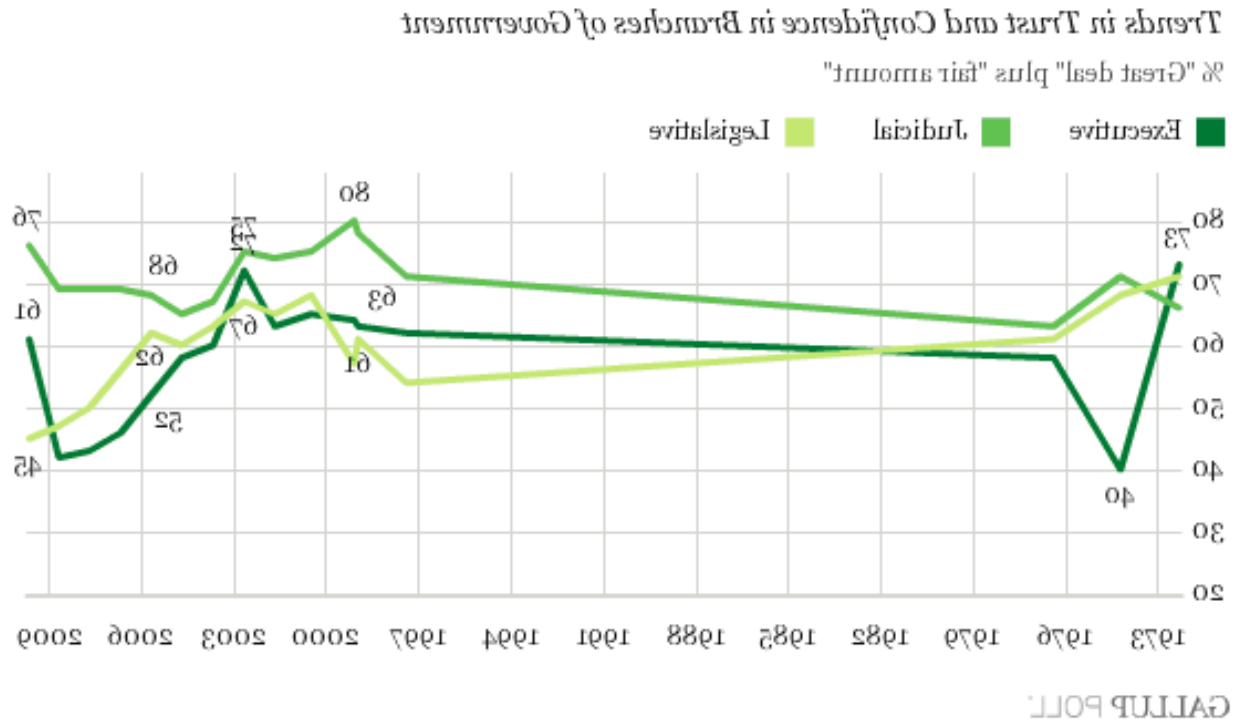
History of Awards to Faith-Based and Secular Non-Profits Across Five Agencies



Note:
Data based on a review of amenable programs from the 5 agencies (HHS, HUD, DOJ, DOL and ED) for which data are available for the years shown.

Source: The White House; *Quiet Revolution* (2008), p 87.

No. 8: Trends in Trust and Confidence in Branches of Government



Source: Gallup Poll, October 10, 2009

<http://www.gallup.com/poll/122897/americans-trust-legislative-branch-record-low.aspx>

