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# Politics v. religion: A theory of the Christian right

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## Politics v. Religion: A Theory of the Christian Right

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## **Abstract**

In this paper, I propose a theory of the Christian Right's functioning called defense manipulation. This hypothesis holds that, while maintaining an unchanging sentiment to dictate policy with a fundamentalist understanding of Biblical interpretation, the movement's political tactics have increasingly diluted due to the secularization of the American public. To test my theory, I will analyze three variables of political influence, sentiment, rhetoric, and policy goals, within the context of three subject areas in which the Christian Right has a notable interest, LGBT rights, education, and abortions. Afterwards, I will analyze my variables across all these subject areas. My final results have raised more questions than they answered. In LGBT rights and education, the variables acted as I had predicted. The Christian Right's sentiment has remained the same while time has led to increasingly nuanced, narrow, and non-dogmatic rhetoric and policy goals. However, abortion is an outlier than ran contrary to my predictions. Not only did the sentiment change but the rhetoric and policy have remained constant for over three decades, relying on heavy-handed, Biblical justifications rather than nuance.

## **Introduction**

Religion, perhaps more than any other expression of culture, is the most powerful manifestation of human intellect. Evidence of the belief in and worship of superhuman or supernatural forces have cropped up in the oldest archaeological sites, making religion as old as the homo sapien species itself. Furthermore religion is the only cultural practice present in every human society. What makes religion so powerful and personal is that it looks beyond the day-to-day milieu and answers the most important questions conceivable. Where do we come from? What is our purpose? What happens after we die? This is why religion has secured a monopoly on the worldview of billions of individuals around the world.

But, the intimate nature of religion has inarguably made societies and people highly sensitive to opposing viewpoints. A brief scan through any history book reveals thousands of years of bloodshed and heartache due to conflicting spiritualities' lack of toleration. From the Roman Empire's persecution of Christians to the Crusades to the contemporary Islamic State's reign of terror, it seems an undeniable maximum that, when government adopts an official religious agenda or belief, liberty and safety are in danger. This problem is not merely consigned to despotic, medieval monarchies or extremists in the third world but is relevant to the modern, industrialized West, especially as these countries continually transform into more multicultural polities. Common sense dictates that supporting an array of creeds, cultural backgrounds, and ethnicities in a free society demands the removal of establishment in politics and the embrace of individuality to create a spiritually inclusive environment. But, again, the intimate nature of religion compels many pious individuals to reject this paradigm in favor of a theocratic form of government that favors their particular faith.

Even in the United States, an old and well-developed liberal democracy built on principles of religious disestablishment and free exercise, many fall victim to this folly. Despite multiculturalism being sewn into its DNA, American history is pockmarked with religious persecution and downright fanaticism, ranging from the violent persecution of Mormons, to job discrimination against Catholics and Jews, to Biblical support for Southern slavery. With hindsight, education, and a more freethinking public, it is easy to see the blatant illiberal and unconstitutional tendencies of these actions, but highly motivated zealots are still at work today with insidious agendas.

Probably the most well known and active of these movements is the Christian Right, also called the Religious Right. This so-called Christian Right is a loose coalition of evangelical non-profit organizations, congregations, and individuals that act on all levels of government almost exclusively within the Republican Party (Anderson & Taylor, 2006). The modern incarnation of the movement began in the 1970's as a grassroots opposition by evangelical Protestants to stifle liberal social activism, particularly in regards to the emergence of gay rights and the Equal Rights Amendment (ERA) (Crawford, 1980). Previously satisfied with devoting their energies to spiritual matters exclusively, these "alarming" social trends signaled an erosion of morality and values on a nationwide scale, threatening the existence of a Christian future in the United States. Apathy was no longer an option. On the heels of a long string of Presidential and Congressional losses, the GOP saw an opportunity to capture a new, discontented voting bloc and, thus, began to court the evangelical leadership, including Paul Weyrich and Jerry Falwell in preparation for the 1980 election. Politically focused organization, like the Moral Majority and the Christian Roundtable, began cropping up under the direction of Falwell, Weyrich, and others with manifests standardizing a new conservative platform, which involved anti homosexuality,

support for the South African government, and government reduction, all to support fundamental Christian values. This activism was largely responsible for electing Ronald Reagan to the White House and creating the Christian Right faction of the Republican Party, forever entrenching their political relevance. (Blumenthal, 1984) (Shriver, 1981)

The Christian Right continues to mobilize due to the perception of there being a cultural war, an inherent conflict between conservative and progressive values that cannot support coexistence (Hunter, 1992). Evangelicals have always held conservative views on essentially every aspect of society, from traditional gender roles to alcohol and drug use, all founded on a fundamentalist interpretation of Biblical teachings. However, once the government began adopting policies, like the eradication of public school prayer, and society became more accepting towards feminism, homosexuality, and other religions this created an immoral cultural landscape that was incompatible with the evangelic lifestyle. The proliferation of liberal legislation and viewpoints personally threaten these groups by existing in the same political and social space, thus, the appropriate response is activism via the Christian Right with the end goal being to have a government operating on evangelical ethics that will promulgate under the guidance of Biblical inerrancy and literal interpretation. (Liebman & Wuthnow, 1983)

Needless to say, this sentiment runs completely contrary to long-held ideas about religious liberty and the nature of multiculturalism that should concern both religious and nonreligious individuals on all sides of the political spectrum. This is why we should care about the Christian Right. In the service of practical and applicable politics though, our next line of inquiry should be to determine how the Christian Right operates, which is the main goal of the rest of this thesis. It is no small task to pursue and enact such a dogmatic ideology in a diverse and, according to the Christian Right, an increasingly secular sociopolitical environment. Yet,



the CR still manages to be a salient mover and shaker (Campbell, 2004). How is this possible given the apparent changes in society? I propose a theory of the Christian Right's functioning that I will call defensive manipulation. Under this hypothesis, the CR's past behavior, in eras of higher religiosity amongst the public, evangelical conservative values held singular sway over social policy, allowing the movement to conduct its business with assertive, dogmatic openness in line with their sentiment. But, as time went on and the population became more liberal and open, the CR has been forced to modify its tactics, becoming more narrowly-focused, nonreligious, and covert while still maintaining faithful adherence to their original sentiment due to their ideology being steeped in the unchanging, fundamentalist interpretation of the Bible. I suggest that this explanation has allowed the movement to maintain its relevancy and appeal to the masses while continuing to win small victories in the culture wars.

### *Methodology*

To test my theory of defensive manipulation, I will organize straightforward and simple data finding research into the Christian Right's activities. I will sample three policy areas in which evangelical Protestants have frequently expressed interest, LGBT (lesbian, gay, bisexual, and transsexual) rights, education, and abortion. For each of these subjects, I will conduct a historical survey of the issue, essentially from its beginning, with particular attention paid to the Christian Right's relevant sentiment, rhetoric, and policy objectives and the outcomes of this involvement. Next, I will analyze the contemporary situation of each subject and explore what inroads the CR are attempting to make with an investigation of their success. I will conclude by comparing the three facets of Christian Right involvement, sentiment, rhetoric, and policy goals, and their changes over time amongst the three subject areas. If the defensive manipulation explanation is correct, for each subject area, the Christian Right would maintain the same

sentiment through time (that the particular subject should be completely governed by a narrow Biblical understanding), while the rhetoric and policy goals progressively become more narrow and nuanced (historical rhetoric and policy goals were dogmatic, all-inclusive, and heavily-reliant on appeals to Biblical understanding while more recent rhetoric and policy goals make appeals to secular, nonreligious reasoning and seek to influence smaller swaths of legislation and jurisdiction). While this theory is concerned with explaining the CR, I will take some time to describe the outcomes of the fundamentalist activity and do expect to see success.

Expected Research Under the Defense Manipulation Theory				
	Sentiment	Rhetoric	Policy Goals	Outcomes
Past	Unchanged, fundamental Christian monopoly on politics/law/culture	Direct and dogmatic, relies on Biblical inerrancy	Sweeping and all-encompassing	Success
Present		Tempered, more nonreligious, relies more on secular appeal	Narrowly-tailored, focused, specific battles	Waning success, apparent secularization

Admittedly, one of the weaknesses of this thesis is the variables, which are qualitative and far from exact. Policy goals are probably the easiest to measure. During my surveys of the historic and contemporary circumstances surrounding each issue, I sampled proposed bills, party platforms, court decisions, and other such items from the national and more local levels. Measuring rhetoric was simply a process of aggregating quotes and printed materials from scholars, politicians, ministers, and other Christian Right affiliates throughout the decades that were meant for public appeal and consumption. Sentiment may be the most difficult thing to calculate. Encompassing the “real” or “true” feelings and philosophy of the CR, qualifying this data is difficult and imprecise, after all, one cannot simply read minds and this might change from individual to individual or from organization to organization. As non-scientific as it sounds,

the best way to collect such information is to examine the policy goals and rhetoric, the messages that are more self-contained and directed towards a more internal audience, and “reading between the lines” to find what is beneath the surface. It should also be noted that it is hard to measure all these variables due to the composition of the CR. It is not a centrally controlled coalition, like a party or single organization, with a clear leader and hierarchy, meaning that there is no standardized goals, platforms, or values. As mentioned before, it is a loose conglomeration of nonprofits, some being single-issue while others are comprehensive, politicians, scholars, ministers, and churches that function at the national, state, and local level with only one thing in common, white evangelical Protestantism. Finally, when I mention measuring “success” I am referring to concrete changes in the political or legal dynamic, like an election, law, or judicial opinion, that advances the goal of fundamentalist Christian monopolization.

### *Literature Review*

Frankly, the defense manipulation concept is derived from common sense observation about the functioning of the Christian Right under the self-assumed culture war concept. However, many scholars have disagreed with this hypothesis, leaning on different theories of the Religious Right’s activity. One such thesis I will refer to as the internal incongruity theory which suggests that the Christian Right’s actions are tempered and controlled by their patron political entity, the Republican Party, instead of the general sociopolitical climate. In a two-party system, as in the United States, the GOP must cast a wide net in order to collect a majority of votes and stay politically viable. Once in political power, the party must additionally have some sort of standardized goals to link all their members together and transform these numbers into action. Thus, when constructing their platform, this entails capitalizing on broad, common interests to form their coalition, which has essentially boiled down to business-minded economic

conservatism and social libertarianism, appealing to a wide range from urban moguls to suburbanites to rural farmers. However this more laissez-faire ideological base has found itself in constant conflict with the Religious Right. While the party regulars seek to decrease government size and spending and limit taxes and regulation, the evangelicals solicit a more active state to control social policy with fundamentalist ethics rather than leaving individuals to their own devices, leading to a “Christians v. Republicans” internal conflict. In response, GOP elites have forced CR integration into their coalition, forcing a normalization of sentiment, rhetoric, and policy goals over time to maintain a cohesive party. (Persinos, 1994) (Hertzke, 1988) (Hertzke, 2004) (Klatch, 1988) (Johnson & Tamney, 2001)

Similarly, another theory echoed by scholars and commentators, which I will call the alienation theory, claim that Christian Right values are so far removed from the mainstream that voters, at the grassroots level, have alienated their cause, politically neutering the movement at the national level. This increased separation between popular sentiment and CR philosophy is a cornerstone of the culture wars concept and my defense manipulation hypothesis, the alienation theorists do not recognize any sort CR influence in modern national politics or change in tactics. The evangelicals’ fall from grace begin in the 1990’s, after the highly popular and religiously motivated Reagan era, with George H.W. Bush’s pro-life stance and attachment to the religious wing loosing major electoral support. The trend snowballed with the remaining GOP presidential nominations of the decade decidedly turning reaching for a more centrist appeal. Though many highlight the second Bush’s deep connection to evangelical America, his stay in the White House was not without repeated attacks on his faith-based presidency. The true nail in the coffin for religious conservatives was the choice of Sarah Palin as a running mate, completely turning Independents and Moderate Republicans off the McCain ticket. Now, the Christian Right is all

but banished from national politics by popular choice and limit their reach to evangelical strongholds like the South and West. Here, the perceived hardline fidelity to the movement's fundamentalist ideology was their undoing. (Abramowitz, 1994) (Berke, 1995) (Bolce & De Maio, 1999) (Wald & Calhoun-Brown, 2014)

In more recent years, many observers have begun to postulate about the Christian Right's workings under a theory that could best be described as value sacrifice. Here, evangelicals are recognized to increasingly "mainstream the message," using nonreligious vocabulary and broad, secularly conservative sound bites in an appeal to the public, while maintaining the same sentiment of fundamentalist domination. This seems to be exactly what I am proposing except the value sacrifice theorists maintain that this strategy is still pockmarked by political failure and a steady decline in popularity and credibility. This phenomenon is occurring at all levels of government, from local, school board elections to presidential campaigns, but is also accompanied by losses at the polls and a bad taste in the constituents' mouths. Key evangelical issues are now being rebranded; opposition to same-sex marriage is no longer supported by Biblical morality but as a protection for children and heterosexual couples while creationist textbooks are not promoted on principles of inerrancy but on principles of academic freedom and viewpoint nondiscrimination. But, despite the image change, CR candidates continually lose at the ballot-box and the diluted platforms do not attract new converts while simultaneously being politically dissuasive. (Barbour et al, 2013) (Putnam & Campbell, 2010) (

These three hypotheses, short as they may be, make up the scholarly argument on the Christian Right's functioning. Most commentators are much more focused on normative assessments of said activity and predicting the future of evangelicalism in America. Still more narrow their research down to activity in single issues, such as education or women's rights,

adding up for a surprisingly short literature. As is readily apparent, there is a lot of overlap with these theories; the reality could be that parts of more than one may actually be the case. My proposal acts as such, taking into consideration changing, more diluted tactics and continued political and social relevance, both of which are found in the literature but never combined together.

## Chapter 1: LGBT Rights

On its face, the United States seems to be a champion of gay, lesbian, bisexual, and transgender (LGBT) rights. Within a span of less than 20 years the Supreme Court has struck down the criminalization of homosexual activity, dismantled the Defense of Marriage Act, and legalized same-sex marriage and adoption nationwide (Reilly, 2016). The Equal Employment Opportunities Commission has ruled that sexual orientation and gender identity based employment discrimination directly violated the Civil Rights Act of 1964 (St. Amand, 2012) (Carpenter, 2012). Essentially in a generation, LGBT rights has skyrocketed from a fringe issue to a major civil campaign that has seen results. Though concerned activists and observers note that there is still much progress to be made, there is no denying the movement has made massive leaps forward, not only in the political and legal arena, but in the hearts of average Americans.

However, there seems to always be opposition to progress from conservative factions in the United States and LGBT rights is no exception. Just like Strom Thurmond and George Wallace's campaigns against federal and judicial rulings on racial equality and desegregation (Carter, 2000), the Religious Right now finds themselves rebelling against "liberal" advances. However, the political and social landscape is no longer hospitable to the rhetoric of Pat Robertson and company labeling homosexuality as "a sickness" (Americans United, 2016) or Ronald Reagan's description of marriage as "the means by which husband and wife participate with God in the creation of a new human life" (Reagan, 1984). Consequently, today's Christian Right have had to modify their tactics to achieve their goals. Instead of endorsing direct policies in opposition, which has obviously failed, the new language revolves around the defense of "states' rights," "religious liberty," and "dissenters' rights" which has received its first national public exposure during the 2016 presidential campaign season (Johnson, 2016). The practical

implementation of this new rhetoric seem to be the new wave of state Religious Freedom Restoration Acts, Bathroom Bills, and other such legislation. The argument no longer relies on Biblically moral justifications or church-approved gender roles but a more removed dependence on broad defenses of religious free exercise and federalism. Yet, this new wave of policy objectives and its accompanying rhetoric still seeks to undermine the LGBT movement, albeit in a more defensive fashion. Combined with the fact that the CR’s ideology base, narrow Biblical interpretation, has remained unchanged and it is undeniable that their sentiment still favors heterosexuality, patriarchy, and “family values.”

**Outline of Chapter 1 Findings**

	Sentiment	Rhetoric	Policy	Outcome
Past	Homosexuality is “wrong,” traditional views of gender	Outright condemnation of LGBT community	Same-sex marriage illegal, legal harassment of LGBT community	Disenfranchisement of LGBT community = success
Present		Nuanced, religious liberty / dissenters’ rights / states’ rights	RFRAs and “Bathroom Bills”	Same-sex marriage legal, mainstream acceptance of LGBT community, backlash against RFRAs/bathroom bills = failure

**History**

Until contemporary times, the issue of LGBT rights was widely viewed as a fringe issue and certainly not at the forefront of American political discourse which, while not always directly tied to the Christian Right ideology, still played into their hands when it came to policy. Starting around the 1950’s, bans on homosexuality and discrimination against the LGBT community began with pseudoscience and the communist scare that was sweeping the country. Congressional documents, psychologists, liquor companies, businesses, President Eisenhower,



and every entity in between demonized homosexuality as subversive behavior that posed a risk to national security. (PBS, 2010)

By the late 1970's though, the cultural wars concerning LGBT rights had begun in earnest. The decade had seen the first successful ascension of the LGBT community to political power and prominence. Individuals like Harvey Milk and Kathy Kozachenko became the first openly gay people elected to office in the country and used their positions to successfully advocate for LGBT rights ordinances. During the 1980 Democratic National Convention, the Rules Committee announced that there would not be discrimination based on sexual orientation, making them the first political party to integrate LGBT rights into their platform. But not everyone looked upon these accomplishments kindly. Police raids on the gay social scene were common, accompanied by arrests and brutality. Public sentiment was clearly intolerant of homosexuality, opening up a niche for the Christian Right to promote faith-based anti-LGBT legislation and rhetoric.. (PBS, 2010)

Towards the end of the '70's then pop music sensation, orange juice spokeswoman, and Miss America contestant Anita Bryant took an aggressive and public stance against gay rights on the basis of her southern Baptist beliefs. Her most famous campaign was the "Save Our Children" movement in 1977, which sought to repeal a Dade County ordinance that eliminated sexual orientation discrimination in areas like employment and housing, with Bryant claiming these protections infringed on her right to instruct her children in Biblical teachings (Tobin, 2002). She was joined by others, including politicians like John Briggs, a member of the California State Senate, who strongly advocated for California Proposition 6, or the Briggs Initiative, legislation that would ban homosexuals and gay rights supporters from working in the public school system (Rimmerman, 2001). These policy objectives were sweeping in scope,

aiming for nothing less than legal banishment of the LGBT community from the mainstream, utilizing fundamentalist evangelical rhetoric for justification. This more local CR movement not only sought to control social policy with fundamentalism but demanded that fundamentalist ideas be universally adopted with no alternative viewpoints.

This rhetoric was perfectly captured in 1980 at a conservative evangelical rally in Dallas when pastor James Robison, who had been forced off radio when he asserted gays recruited children for sex and conversion to their lifestyle, gave a speech urging believers to act on their convictions and halt the encroachment of homosexuality in society. This oration served as an introduction to the then presidential hopeful Ronald Reagan who won over the audience with the famous assurance “I endorse you,” (Schlozman, 2015). This interaction ushered the Christian Right’s LGBT sentiment onto the national stage. During his presidency, no LGBT civil rights legislation was enacted and many gay rights groups accused his lack of action during the AIDS epidemic as a silent condemnation of their community (White, 2004). This was a true evangelical victory with a true believer at the highest level of office not only “talking the talk” but “walking the walk.”

But the President was not the only one mobilizing under the auspices of the Christian Right. Evangelical religious leaders began to form organizations, like Focus on the Family, the Moral Majority, and the Family Research Council, with policymaking and cultural reforming agendas that included the denouncement of homosexuality. Pastors like Jerry Falwell and Pat Robertson quickly rose to prominence in the public eye, with Robertson even making an unsuccessful bid for the Republican Party’s presidential nominee in 1988 (King, 1988). Falwell and Robertson captured a nationwide audience with their anti-LGBT hate speech, with some of their more memorable declarations including that “homosexuals will make you (Christians)

conform to them...make you like bestiality” (Wong, 2016), “I point the finger right in your (gays and lesbians) faces and say ‘you helped this (9/11) happen’,” (Ambinder, 2001) and, to sum it all up, “homosexuality is an abomination.” (Ford, 2012)

The 1990’s saw the first break in the Christian Right domination of LGBT issues on the national political stage. Policy-wise, George H.W. Bush notably added sexual orientation to the federal Hate Crimes Bill and removed “sexual deviation” as a barrier to immigrating into the country with the Immigration Act of 1990. Though this seems like a minor inroad to LGBT rights compared to today’s standards, it caused a huge uproar within the administration due to its deviation from the status quo, forcing Bush’s special assistant, Doug Wead, to resign from his post in outrage. These two laws aside, the administration continued to espouse anti-gay rhetoric with the president himself calling the lifestyle morally wrong on several occasions, leading to the Log Cabin Republicans to withdraw their support during the 1992 election. (Smith, 2002)

Bill Clinton’s presidency earnestly took on LGBT rights policies, paving the way for the Democratic Party to spearhead these issues in the future. His accomplishments include being the first President to appoint openly homosexual individuals to administrative positions (The White House), eliminating the security clearance ban for LGBT federal workers (Volsky, 2011), and ending sexual orientation based discrimination in the federal civilian workforce (Associated Press, 1998) all of which were major breakthroughs, putting gay rights on the national politiscape and transforming it into an electoral issue.

But along with these leaps forward, came compromises and backpedaling, suggesting that Democrats, and society, were still not ready to fully embrace LGBT rights. In 1993, Clinton implemented Defense Department directive “Don’t Ask, Don’t Tell” that controversially integrated gays and lesbians into the armed forces, provided they stayed in the closet, to appease

Congressional Democrats and Republicans (Feder, 2013). Perhaps the largest set back for gay rights during this time came in 1996 when the President signed the Defense of Marriage Act (DOMA) into effect that, for federal purposes, defined marriages as being between one man and one woman. This was justified as a strategic political move during an election year (Socarides, 2013). This was a true Christian Right victory, courtesy of their traditional political opponents. DOMA not only served as a policy advancement by taking same-sex marriage off the table, but also fueled evangelical policy by echoing the CR's Biblically based definition of marriage into the law books (Simson, 2010).

Beginning in 1998 with Alaska's Ballot Measure 2 and especially picking up steam in 2004 after Massachusetts legalized same-sex marriage, states began amending their constitutions to ban same-sex marriage with popular initiatives in a new wave of anti-LGBT policy (Clarkson & Coolidge & Duncan, 1999) (Burje, 2003). By 2012, 31 states had passed such measures with only two propositions failing, Arizona Proposition 107 (Geis, 2006) and Minnesota Amendment 1 (Davis, 2012). Homosexuality was beginning to find a place in the mainstream, seriously diminishing the Christian Right's policy options. Instead of continuing the losing battle of wholesale discrimination that was in vogue just a decade prior, their goals were narrowed to marriage definitions, which, to be sure, was still an important, weighty issue.

These actions were accompanied by George W. Bush's presidency, which seemed to have no definite opinion on LGBT rights during his first term. Commentators view these first four years as a balance between the growing acceptance of the LGBT community and the Christian Right by not engaging the issue at all. Notably his administration did not submit a brief to or make a statement regarding *Lawrence v. Texas* (2003), the landmark case that ultimately ruled anti-sodomy laws unconstitutional (Greenhouse, 2003). He did not repeal "Don't Ask,

Don't Tell." or any of President Clinton's other executive order concerning discrimination in the federal government, though these provisions were not exactly enforced (Lee, 2005). But, in 2004, an election year, Bush dramatically changed his tone, declaring his support for a constitutional amendment to outlaw same-sex marriage, the Holy Grail of Christian Right LGBT policy (CNN, 2004). He also took up anti-gay rhetoric, threatening to veto both the Local Law Enforcement Hate Crimes Prevention Act of 2007 and the Employment Nondiscrimination Act which sought to protect sexual orientation (Costello, 2007) and refusing to sign the United Nations declaration condemning violence, harassment, discrimination, exclusion, stigmatization, and prejudice based on gender identity and sexual orientation (Macfarquhar, 2008). Though these policies still held heavy implications, their scope was still narrow with no where near the intensity of earlier campaigns. It should also be noted that, even during the second term when the electoral pressure was off, Bush's harsher stance did not rely on appeals to Biblical interpretation, even though he was an ardent evangelical and an undoubted trophy Christian Right politician.

Since George Bush left office in 2009, the United States has arguably undergone the greatest progress in LGBT rights with both legalistic protection and a friendlier, more inclusive environment. Barack Obama has taken many definitive policy stands on LGBT issues including being the first president to support same-sex marriage (Stein, 2012), repealing "Don't Ask, Don't Tell" to allow lesbians and gays to serve openly in the military (Bumiller, 2011), and spearheading transgender integration in public schools (Grinberg, 2016). Ironically though, he refused to support gay marriage during his 2008 campaign due to religious beliefs, proving Christian Right sentiment is not necessarily confined to evangelical zealots (Miller, 2015). The last several years has also seen rapidly changing public opinion on LGBT issues with polls

showing support for gay marriage at a mere 37% in 2009 but increasing to 55% by 2016 (Pew Research Center, 2016). The Supreme Court during this time has also decided two landmark cases that advanced LGBT civil rights into modernity. The first being *United States v. Windsor* that ruled Section 3 of DOMA unconstitutional under the Fifth Amendment's protection of Due Process, forcing the federal government to recognize gay marriages and afford them benefits (Socarides, 2013). Two years later, *Obergefell v. Hodges*, the Holy Grail of LGBT rights, finally legalized same-sex marriage nationwide under the provisions of the Fourteenth Amendment.

This historical survey seems to be in line with my hypothesis. The Christian Right launched a passionate campaign against LGBT issues at the very inception of the gay rights movement, advancing sweeping policies with dogmatic rhetoric. But, as time went on, public opinion began to open up towards the LGBT community, creating a sociopolitical landscape that would no longer tolerate Biblical-based discrimination and hate speech. Before long, even Republican presidents were forced to respect an enact civil rights protection for the LGBT cause. The CR's tactic moved towards smaller policies, notably the definition of marriage, and more palatable language with the turn of the century.

### **Modern Situation**

With these legislative and judicial advancements, the Christian Right is undoubtedly losing their cultural war. Their policy monopoly of outright opposition to homosexuality and the LGBT community has been undone by a new generation of public officials and jurists. The past decade has ushered in a climate where vocalizing disapproval, let alone disgust, with LGBT persons and lifestyles is politically incorrect and highly susceptible to criticism, showing a rapid change American consciousness, considering that in 2003 there were still 14 states that had sodomy laws criminalizing homosexuality on the books (Associated Press, 2014).

However, to think that the Christian Right and their influence is waning would be a mistake. The United States is still a highly Christian-oriented country with one in every four people identifying as evangelical, making them the largest religious sect in the nation. Evangelicals are also politically motivated and organized, making up the lifeblood of the Republican Party. In regions like the South and Midwest, evangelicals easily exceed 40% of the population, making them a pillar of the American identity aside from their political activity(Pew Research Center, 2016). Though many people have taken a more open-minded and positive view of LGBT people and issues, this is just a slight majority. Only 55% of people actually approve of gay marriage, while the evangelical sentiment has remained a constant over the years with 73% disapproving of gay marriage and 65% disapproving of same-sex couple adoption (Pew Research Center, 2012).

In order to keep up a legitimate opposition to LGBT rights, the Christian Right has had to relinquish straightforward legal discrimination for more defensive and neutral-sounding positions that are smaller in scope. To advance this agenda, these conservatives have had to cease their unabashed attacking and overly doctrinal justification, which seems to have become unpopular in the political mainstream, for the rhetoric of religious liberty and states' rights. This line of reasoning has begun to rear its head during the 2016 Republican primary and presidential race season where candidates have advocated these softer platforms instead of the usual election year talking points on homosexuality. This rhetoric is used to advance state level legislation like the Religious Freedom Restoration Acts (RFRA) and "Bathroom Bills" that have taken the nation by storm. On their face, religious liberty and states' rights seems neutral, something everyone can get behind regardless of political leanings, but they are really geared towards and disproportionately affect the LGBT community. Regardless of the changing society and political

landscape, the underlying sentiments and motivations of the Christian Right seem to be the same as always; homosexuality and nontraditional gender is wrong and must be opposed.

### **Religious Freedom Restoration Act**

The current RFRA craze playing out in states all over the country began with the federal RFRA passed in 1993. This was a direct response to the 1990 Supreme Court case *Employment Division v. Smith* in which two Native Americans were fired from their jobs and refused unemployment benefits for ingesting peyote, a psychoactive drug, as part of a long held ritual in the Native American Church. The two claimed that their right to free exercise of religion was being violated; however, the court disagreed, claiming that the First Amendment only prevented the government from actively persecuting or specifically prohibiting religious practice and, since the ban on peyote was a law generally applied to all, the Native Americans could not claim an exemption. The public on all sides of the political spectrum were outraged and a joint effort from organizations ranging from the America Civil Liberties Union to the National Association of Evangelicals came together to lobby for strengthened protections of religious practice (Nussbaum, 2008).

Three years later, Representative Chuck Schumer and Senator Ted Kennedy, both Democrats, introduced the RFRA bill to Congress, which was passed almost unanimously, with the exception of three Senators. The RFRA stated that even neutral laws can impede a person's free exercise of religion and that strict scrutiny must be used in assessing such issues. In practice, this meant the state has the burden of proving a law is furthering a compelling government interest in the most narrowly tailored way so as to give the "benefit of the doubt" to religious exercise. If the state cannot satisfy this stringent test, the legislation will be struck down as a violation of this constitutional right (Drinan & Huffman, 1994) (Ross, 2004).



Not long after, this bipartisan effort proved to be weak and ineffective. In 1997, the Catholic Archdiocese of San Antonio attempted to use RFRA when the church wanted to renovate and expand its facilities in the city of Boerne but could not due to a local ordinance that protected the building as a historic landmark. The subsequent lawsuit, *City of Boerne v. Flores*, found its way to the Supreme Court where the final ruling stated that RFRA was an overreach of Congress's enforcement power as defined in the Fourteenth Amendment and, thus, could only be applied to federal law (Nussbaum, 2008). Afterwards, several states began adopting state level RFRA as a way of addressing the court's statements (National Conference of State Legislatures, 2015) but the damage was already done. The jurisprudence had effectively defanged RFRA and practically banished it into obscurity for almost two decades.

This all changed in 2014 with the case *Burwell v. Hobby Lobby Stores Inc.* Here, the outspoken evangelical owner of the chain of craft stores, David Green, claimed that four specific contraceptives that the Affordable Care Act demanded businesses include in their insurance plans were in direct opposition to his religious conviction that life began at conception and, thus, sought an exemption under RFRA. The Supreme Court ruled in Mr. Green's favor, essentially giving closely held for-profit businesses the ability to express a religious belief. This aggressively expanded the power and reach of the act from idle to an activist role that could force religious opinion onto others. In dismay, 19 of the signers of the original bill as well as the United States government submitted statements and briefs arguing that the court's interpretation of RFRA far exceeded its original intent as a protection for individuals. (Mears, 2014) (Mott, 2014)

The next year, *Obergefell v. Hodges* was decided, legalizing same-sex marriage, which, combined with the precedent *Hobby Lobby* provided, sparked a massive resurgence in state level

RFRA with 16 states proposing the bill in 2015 alone (National Conference of State Legislatures, 2015). This is not mere coincidence but a causal relationship with the court's rulings giving conservatives legal teeth to fight back against women's health and LGBT rights on a case by case basis with the strict scrutiny test inherent in RFRA now entitling religious individuals and companies to exemptions (Carroll & Sanders & Sharockman, 2015). With the current headlines dominated by cases of businesses and government bureaucrats alike refusing to participate in same-sex weddings due to their religious convictions, it is obvious that the evangelical community feels disenfranchised by the advances of "liberal America" and are looking for policy and moral support from candidates and the law, making religious liberty a particularly salient talking point this election cycle. The fear is that RFRA legislation is a tool of legal discrimination against measures like same-sex marriage and women's health under the guise of religious free exercise albeit on a much more restricted, ad hoc basis. This is not the purge of the LGBT community from mainstream society that the Christian Right advanced in the 1970's and 1980's, but a way for individuals and organization to remove themselves from LGBT activity using their religion as justification.

### **Bathroom Bills**

Accompanying RFRA in the push back against LGBT rights are the series of laws known colloquially as "bathroom bills." These provisions seek to discriminate against the transgender community with deceptively neutral language, demanding that individuals can only use the restrooms, changing facilities, and other accommodations that correspond to the gender listed on their birth certificate. This seems like obvious and redundant policymaking, however, the very nature of transgender means that a person does not identify with the gender to which he or she was born making them the only group affected. What furthers the murkiness of these

policies is that they are not advocated under dogmatic rhetoric, but purportedly serve to defend privacy rights and safety. The Christian Right again leans on defensive and narrow language in an attempt to further their sentiment.

The most notorious of these is North Carolina's Public Facilities Privacy & Security Act or House Bill 2 (HB 2) which is, as of October 2016, the only bathroom bill that has been passed. In February 2016, the state's largest city of Charlotte passed Ordinance 7056 to combat discrimination on the basis of sexual orientation and gender identity in public accommodations and by municipal contractors (Harrison, 2016). That was all it took to mobilize the North Carolina General Assembly. A special session of the House of Representatives was held that introduced HB 2 and it only took 11 hours for the bill to pass through both houses and be signed into law by governor Pat McCrory (Gordon & Price & Peralta, 2016).

The main focus of the bill is, of course, to legally assign bathrooms based on one's birth sex, with the definition of sex actually being defined as "the physical condition of being male or female, which is listed on one's birth certificate" (Miller, 2016). This change in wording does far more to burden transgender individual because the only way to change the sex on a birth certificate is to undergo sex reassignment surgery. Additionally, this binary definition automatically excludes recognition of pangender, bigender, nongender, or any of the other more nuanced gender identities (Shoichet, 2016). The act even goes further to secure this insidious mandate by preventing municipalities in the state from passing anti-discrimination policies of their own, ending Charlotte's Ordinance 7056 and any other future plans to expand LGBT rights (Domonoske, 2016).

Most of the media coverage of HB 2 highlighted the law's negative impact by focusing on sound bites from its many public dissenters. However, polls suggest that the act has public

support despite the extreme backlash. 56% of North Carolinians say that the bill protects the individual rights of business owners and promotes safety (Civitas, 2016) while a national poll reveals that 6 out of 10 Americans think the issue of transgender rights is not a federal civil rights issue and should be handled by individual states and only 41% of people think that transgender individuals should be able to use restrooms that match the gender with which they identify (Thee-Brenan, 2016). Again, the associated rhetoric, like in the case of RFRA, does not predicate on religious doctrine or even morality but secular reasoning. LGBT people are dangerous and sexually deviant and business owners and agencies should have the freedom to handle issues regarding their interaction with the community as opposed to enshrined a universally upheld right.

Rather incidentally, many of the state's citizens feel that the bathroom bill actually protects and upholds Christian values. As also found in the case of RFRA, talking heads defend this legislation with federalism, or states' rights, arguments that assert liberal court rulings and the federal government have disregarded and encroached upon religious values. (McCord, 2016) Governor Pat McCrory, in speaking of HB 2, emphatically denies that gender identity is a civil rights issue and supports North Carolina's stance by, again, claiming the bill protects privacy and security (Krieg, 2016). The evangelical newspaper *The Christian Post* echoes the privacy and security arguments made before, claiming the law is actually safeguarding millions of women and children. But it goes even further by asserting that gender identity is essentially a null and void concept and that gender lays in the biological makeup with which an individual is born, categorizing gender and homosexuality as behaviors and not states of being. Furthermore, LGBT status cannot be protected by civil rights because public policy is expected to take appropriate measures, including discriminatory ones, against behaviors it deems harmful (Turrek, 2016).

With all of this in mind, it is important to note that 35% of North Carolina identifies as evangelical, far above the national average (Pew Research Center, 2016).

Several other states, mostly Blue with large concentrations of evangelicals, like Tennessee, South Dakota, and Arizona have proposed similar legislation but, as of October 2016, North Carolina has been the only state to actually pass a bathroom bill. Most of these failed bills revolved around enforcing school children to use facilities corresponding to their birth sex but, notably, Gilbert Pena of the Texas House of Representatives authored legislation that would have enabled a bystander to sue a transgender person using an “incorrect” bathroom for damages of up to US\$2,000 for mental anguish which went on to be dismissed (Walters, 2015). Though this brand of policy is still in its infancy, having only been around since 2015, it is hard to say what the future will hold but, with support from presidential candidates like Ted Cruz and Donald Trump and heavy coverage in the national media, bathroom bills are certainly making an impact (Hopper, 2016). It is important to note that, even though this is an essential component to the policy arsenal of the Christian Right against the LGBT community, Bathroom Bills are incredibly narrow in scope, only affecting a limited number of facilities. This suggests that, even though public sentiment is still not exactly warm towards transgender in society, the Christian Right are still confronting checks preventing a monopoly on such policy as seen in the past.

### **Outcomes**

Are these new tactics by the Christian Right actually seeing results? In the case of RFRA's, the laws do not seem to be working well at all. Heavy media fire and criticism has plagued the bills ever since Mike Pence signed Indiana SB 101 into law. Local and majority newspapers alike as well as other media sources have been quick to pan what they see as an

obvious attempt to promote legal discrimination under the guise of religion, even causing Barack Obama to speak out against the trend (Washington Times, 2015).

In addition, these bills have been panned by major businesses who have stated they will take action against RFRA. In Indiana, the first state to enact a RFRA after the Hobby Lobby decision, big corporations like Angie's List, Yelp, and Gen Con have boycotted, costing tens of millions in contracts, while other states like Vermont and New York as well as major cities from San Francisco to Seattle have banned official travel to the region (Evans, 2015) (Sifferlin, 2015) (Cox, 2015) (Fisher, 2015). Additionally, other prominent businesses and individuals have publicly denounced RFRA's including *Star Trek* actor and activist George Takei (Hedger, 2015), Apple's Tim Cook (Rooney, 2015), as well as the National Basketball Association and the Women's National Basketball Association (NBA, 2015).

Though there are many staunch supporters in politics and the general populous, the public opinion on the whole is incredibly negative toward RFRA's. Mike Pence's approval rating plummeted nearly 30 points with 75% agreeing the RFRA hurt the state's reputation and business climate (Network Indiana, 2015). But, beyond these implications, RFRA's seem to be ineffective. The headlines are riddled with stories of bakers, photographers, and venues refusing to provide services for same-sex weddings, which these laws are supposed to legitimize, but, to date, they have not been successfully used to this end. All of these businesses seem to meet the same fate of being successfully sued in court for discrimination based on sexual orientation (Amos, 2015) (Parry, 2016). Furthermore, out of the sixteen states to propose these bills during this period of interest in the issue, only two states, Arkansas and Indiana, have actually even passed a RFRA (National Conference of State Legislatures, 2015). Some critics even claim that the only reason this legislation is receiving so much public scrutiny is the timing of the *Hobby*

*Lobby* and *Obergefell* decisions being so close together and that the media is perpetuating this fixation with the constant reporting of the opposition to same-sex marriage (Eckholm, 2015).

Bathroom bills are even more contentious and less “effective” than RFRA. As previously mentioned, only one state, North Carolina, has actually passed such a measure and only a handful of states have proposed them with no success. Even more so than RFRA, North Carolina HB 2 has been heavily criticized. Companies such as PayPal and Deutsche Bank have protested by halting major expansion plans into the state (Rothacker et al, 2016) (Eavis, 2016). North Carolina, being a popular region to shoot film and television, has particularly suffered from the motion picture industry pushback with Lionsgate and 20<sup>th</sup> Century Fox in particular cancelling projects in the area (Campbell, 2016). The list of businesses officially opposed to HB 2 is quite extensive but estimate that the state’s losses at around 1750 jobs and \$77 million in investment (Sorensen, 2016).

But beyond its extensive negative reception, HB 2 is also entangled in numerous legal issues. The United States Attorney General Loretta Lynch has denounced the bathroom bill on multiple occasions, claiming that she will fight this “state-sanctioned discrimination” (Ybarra, 2016) with North Carolina’s Attorney General Roy Cooper also calling the bill “unconstitutional” and stating he will not defend it in court (Fox, 2016). Indeed the Justice Department has filed a law suit against Governor Pat McCrory, the North Carolina Department of Public Safety, and the University of North Carolina System, claiming that HB 2 is in violation of Title VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, and the Violence Against Women Act and has asked the Middle District Court of North Carolina to suspend implementation of the bill until the suit is decided (Sterling et al, 2016). Unsurprisingly, state Senate leader Phil Berger and House Speaker Tim Moore have filed suit against the Justice

Department in retaliation on grounds that their law does not in fact discriminate against transgender people (Jarvis, 2016). To date, this issue is still at a stalemate but a legal decision will be the determining factor if bathroom bills are indeed a viable way for the Christian Right to continue to wage their cultural war.

All things considered, the Christian Right's involvement in LGBT rights has coincided with my theory of defense manipulation. Their sentiment, condemning homosexual and non-traditional concepts of gender as wrong, has remained the same over the years, however, their methods for influencing politics has changed. Though evangelical conservatives still seek to utilize government to regulate social issues, in this case opposing LGBT rights to perpetuate traditional family values, their policy goals have gone from outright condemnation and legalized discrimination to focusing on narrow issues through RFRA's and Bathroom Bills. The rhetoric has also digressed from robust reliance on dogma and religious doctrine to federalism appeals and broad, secular defenses of religious practice. This dilution in tactics seems to undoubtedly be a reaction to a more open and secularizing society as an attempt to stay politically relevant. Despite receiving much media attention and citations within the public political discourse, the contemporary ploys of the Christian Right regarding LGBT rights appears to be ineffective, not bringing the movement any closer to their goal of evangelical monopolization.



## Chapter 2: Education

Modern primary and secondary education may arguably be the most impactful experience in contemporary American life. It is a universal forum that all residents of the United States attend regardless of race, religion, socioeconomic status, or geographic location. The schoolhouse is widely considered the gateway to maturity and, for many, serves as a major rung on the ladder to future success. Not only does education introduce students to the basic principles of math, science, history, and other formal subjects but also serves as a major source of socialization for young people, teaching them norms, morality, and ways of thinking about the world.

Undoubtedly, it is this great importance that makes education such a contentious battleground within the “cultural wars.” For decades, politically motivated fundamentalist Christians have been arguing for religion’s formal place within public schooling, however, this seems to be an uphill battle. With Establishment Clause jurisprudence systematically weeding out prayer, Biblical education, and creationism from public schooling, the evangelical’s influence has been on a downward trajectory, but their seemingly unbreakable sentiment has kept them in the fight. Outright conservative protestant domination of public education is no longer an attainable end, so, as in the case of LGBT rights, the Christian Right has noticeably changed their rhetoric and policy goals to match the changing times. Moments of silence, intelligent design, and academic freedom have replaced the platform of full control of educational pedagogy. Facially, these policies seem neutral, completely in line with widely recognized mores of proper church-state relations, but they are practical legislative tools used to tackle the secular domination of the schoolhouse in a manner acceptable to the contemporary political climate.

Despite these changing tactics, the goals have always been to bring schooling under control of evangelical ideology, again, demonstrating a consistent ideology.

Though Christian Right influence in education covers a variety of topics including school board elections, charter schools, home schooling, and the like, this paper will be focused on the two most popular and widely publicized forms of evangelical influence. (1) official Christian-based administration, such as organized prayer and the celebration of religious holidays, and (2) Christian theology as a subject which has primarily manifested itself in the creationism versus evolutionism debate.

Outline of Chapter 2 Findings

	Sentiment	Rhetoric	Policy Goals	Outcome
Past	Public education should be dominated by evangelical Christian teachings / practices	Inerrant truth of Biblical accounts, anti-evolution	Prayers, Bible studies, and devotions at school, creationism taught as fact	Total and unquestioning domination of Christianity in education = success
Present		Nuanced, intelligent design, evolution only "theory," subtle introduction of rituals like prayer, some straight-forward advocacy of creationism and school prayer	Nuanced, intelligent design, "academic freedom," moments of silence, prayer pawned off to outsiders and students	Secularized and religious-less pedagogy, nuanced Christian policies repeatedly struck down = failure

**History**

*Creationism and Evolution*

Historically, Christianity, specifically Protestantism, dominated American cultural life, including education. During the 18<sup>th</sup> and 19<sup>th</sup> centuries, nearly everyone unquestioningly accepted Biblical doctrines, as interpreted by Protestantism, with Catholics and Jews being few and far between and the idea of atheism being nearly unfathomable. Even the Founding Fathers, who many agree were freethinkers at their core, still participated in their local congregations. Not only did Christianity have a monopoly on intellectual life but its importance in daily social and cultural interactions cannot be overstressed; praying and attending church was an expected staple of conduct. (Library of Congress) Therefore, it is no surprise that, during this time, schools taught the Genesis Creation Narrative as the scientific origin of life and the universe. (Wendel, 2006)

But in 1859 Charles Darwin published the landmark work *On the Origin of Species*, formally introducing the concept of human evolution to the mainstream, which fundamentally challenged common knowledge of the time. This piece opened up an avalanche of scientific exploration in anthropology, biology, and geology that, over the next several decades, seemed to fundamentally debunk fundamental truths gathered from a literal interpretation (Dewey, 1910). The Earth was not 6,000 years old, as theologians had estimated for centuries through genealogies in Genesis, nor was it created in six days but rather the planet was formed over countless millennia from the molten remains of cosmic events. Contemporary life was not willed into existence by the Word of God but instead was produced by favored traits and natural selection. And, perhaps most important of all, humans were not divine creations made in God's own image but, rather mundanely, just a large-brained ape.

Religion and science had certainly clashed before but never had facts and research challenged, or perceived to challenge, the words of the Bible in such a manner. Society became

immediately split with many decrying Darwin and other scientists for their apparent sacrilege. Others accepted these new findings and integrated them into their spiritual understanding. The concept of Natural Theology found popularity amongst these more liberal thinkers, postulating that evolution and other such natural processes could be divinely sanctioned or, at the bare minimum, they did not disprove the existence of a deity (Bowler, 2003). Even some commentators, both modern and historic, believe that Darwin himself ascribed to this theory (Quammen, 2006). Although these debates were public and contentious, the evolution versus creation argument would not reach the political or legal scene for decades to come.

After World War I, the debate finally reached a national audience. William Jennings Bryan, three time presidential nominee and former House of Representatives member, was deeply troubled by Darwinian evolution and led a public attack campaign against the idea. He believed that the theory threatened the basic tenants of Christianity, religious freedom, and the very morals of the United States, creating an insecure future and possibly leading to another world war (Bryan, 1922). After lobbying failed anti-evolution bills in states like South Carolina and Kentucky, the Butler Act finally passed in Tennessee in 1925, formally bringing the creation-evolution divide into the classroom by making it illegal to teach evolution or to deny the Bible's account of man's origin in public schools (Nickels, 2007).

The American Civil Liberties Union immediately began a campaign of their own to overturn this legislation and offered support to anyone who would bring a test case against it. Later that year, a substitute teacher named John Scopes, who was actually unsure whether he had ever taught evolution, incriminated himself to advance the challenge, resulting in the famous Scopes Trial. The weight of this case was as immense then as it is today, essentially pitting scientific fact and religious belief against each other in a legal battle without precedence in

modern America. The defense took a daring approach by attempting to prove factual inaccuracies in the Bible and thus show Christian belief as unfit for the classroom, the jury found Scopes guilty of teaching evolution in a nine-minute deliberation. (Nickels, 2007)

The fundamentalist victory showcased the widespread denial of evolution at the time. In the public's mind, there were two, mutually exclusive ways to arrive at the truth, through science or the Bible with no grey area (Goetz, 1997). Science textbooks immediately began to cut out any mention of evolution and, instead, opted for quotations from Genesis while bills similar to the Butler Act were introduced in a myriad of states outside of the Bible Belt South (Grabiner & Miller 1974). Evangelical Protestantism held a monopoly on cultural values, leading to the domination of policy and public rhetoric, going virtually unchallenged until the 1968 Supreme Court case *Epperson v. Arkansas* where a public school teacher from that state challenged the constitutionality of an anti-evolution law. The Court ruled that the statute's purpose, in banning the teaching of evolutionary theory, was to protect fundamentalist interpretation of Genesis and, thus, it was in violation of the First Amendment. This decision expanded the reach of the Establishment Clause to now prohibit the state from promoting a religion, instead of simply preventing the establishment of an official church, while emphasizing that the state had no interest in protecting religion from opposing viewpoints. This marks the first real encroachment of secular science into the Christian Right's firm grip on education. (Addicott, 2002)

As a consequence of *Epperson* all other prohibitions against evolutionary teaching were effectively struck down and conservative Christians had to find new ways to weaken scientific influence. This led to a new trend of placing laws on the books that demanded evolution and creationism be given equal time and importance in the classroom and in textbooks. Any teaching of evolution had to include a disclaimer that it was only a theory in order to frame each argument

as having an equal weight and plausibility. In 1975, a group of schoolteachers, supported by the National Association of Biology Teachers, challenged one such Tennessee statute and sued in *Daniel v. Waters* (Flank, 2006). Here, the U.S. Court of Appeals for the Sixth District ruled that this law, enforcing equal time for creation and evolution, gave preference to a Biblical narrative which establishes religion in a way the First Amendment would not permit. Yet again, the dominance of the Christian myth in the schoolhouse slipped even further.

However, these staunch Christians were not deterred and made sneaky reforms to these so called “balance bills” in order to continue creation science in public schools. One such bill was called the Balanced Treatment for Creation-Science and Evolution-Science Act, passed in Louisiana in the early 1980’s, requiring that creation be mentioned every time evolution was brought up instead of a straight-forward balance scheme. This controversial bill soon found its way to the Supreme Court in the 1987 suit *Edwards v. Aguillard* where the majority opinion ruled the act unconstitutional. The state’s argument that the law furthered “academic freedom” was struck as an invalid purpose because it limited the ability of teachers to decide what was appropriate classroom material. Furthermore, the act was found to advance a religious purpose by endorsing the belief that a supernatural force was responsible for man’s origin. To argue this point, the scientific community, including 72 Nobel Prize winners, filed amicus curiae briefs denouncing creationism science as factually inaccurate in an interesting line of reasoning that suggests factually inaccurate hypotheses that cannot withstand the test of hard facts and figures are, essentially, invalid, in the eyes of the law. The precedence set by this case has brought the science versus religion debate into the modern legal and political era.

*School Prayer*

Like the teaching of Biblical creation science, school prayer and other Christian administrative activities were ubiquitous throughout the United States until fairly recently. Throughout the 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> centuries, public schools often opened with a school-sponsored prayer that was mandated for all students, regardless of religious belief or affiliation (Kaleem, 2013). The first groups to become dissatisfied with this practice were Catholics and Jews who objected to the inherent Protestant theology attached to these activities. In 1890, Catholic parents challenged a Wisconsin public school's use of the King James version of the Bible for their morning ritual, claiming this preferred one sect to another. The Supreme Court of that state agreed, mandating the use of non-specific Biblical translations, and, for the first time, there was a regulation against state-sponsored school prayer. The Christian Right's singular vision was challenged by multicultural considerations. (Wisconsin Historical Society, 2011) (Weiss et al v. Edgerton School District No. 8, 1890)

The next challenge to school prayer did not come until the 1960's, which saw two landmark Supreme Court cases. During the previous decade, the New York Board of Regents developed a recommended, but in practice mandatory, prayer for the school districts under its jurisdiction with the reasoning that this daily ritual would curb juvenile delinquency and halt the spread of communism (Boston, 2012). However, New York is incredibly diverse and several Jewish and religiously unaffiliated families were not pleased with their children being forced into a religious activity at school and subsequently sued the officials in 1962 in *Engel v. Vitale*. The Court reasoned that a prayer, by definition, is a religious ritual and that having school administrators craft such a ritual was tantamount to the state promoting a religious belief, consequently violating the Establishment Clause. The following year, parents Edward Schempp and Madelyn Murray O'Hare, who ascribed to Unitarian and Atheistic beliefs respectively, filed

suit against a Pennsylvania statute that compelled their children to read from the Bible at school in *Abington School District v. Schempp*. The Court, in a bold opinion, declared the law unconstitutional saying that neither the state or federal government could force a person to profess a belief or disbelief in a religion under the First Amendment and that, regardless of the religious demographics of the citizenry, said governments must remain neutral on religious subjects in order to maximize liberty.

The precedent set in *Engel* and *Abington* went legally unchallenged until 1992 in *Lee v. Weisman*. Here, the principal of a Rhode Island public high school fell under scrutiny for inviting a rabbi to give the benediction at the commencement ceremony. The Court began by recognizing this situation as an instance of school prayer since the administration not only employed the rabbi to perform the ritual but went further by giving him a pamphlet on acceptable ways of praying at official events, essentially censoring and controlling the content. The Court also recognized that, although a graduation ceremony is voluntary, its importance and the added peer pressure of attendance coerced the students present to participate in the prayer as if it were a mandatory school day. In a close, 5-4 vote, the Court concluded that prayer by an outside religious practitioner at school events was unconstitutional, adding to the Establishment Clause jurisprudence.

Eight years later, the Supreme Court was faced with a somewhat similar case in *Santa Fe Independent School District v. Doe*. A rural Texas school district with an almost universally Baptist student body and faculty frequently engaged in religious activities in the district's official capacity. Teachers handed out fliers for revivals during class and the Gideon International group distributed materials during the school day. Students themselves frequently initiated prayers before school events, including football games, which led parents of Mormon and Catholic



children to file suit anonymously against the district. The Court ruled that such pre-game prayers were unconstitutional, categorizing them as state-sponsored speech since they were given under faculty supervision, on school grounds, at school events, and with the school's PA system, forcing any objective observer to conclude that these prayers were school-sponsored despite the fact that they were conducted by students who are not agents of the state.

As this survey demonstrates, the Christian Right domination of educational pedagogy has waned in concert with a liberalizing society. As science and anthropology have improved the public's understanding of evolution and natural history, society has increasingly relied less on Biblical inerrancy to explain the origins of the world. Likewise, secularizing society with increasing respect for multiculturalism has allowed for the incremental removal of creationism and state-sponsored prayer from public schools. Yet the Christian Right still hold on to their interpretation of Genesis and have resorted to more subtle policies and rhetoric to circumvent the roadblocks of public opinion and First Amendment jurisprudence. So far, this supports the defense manipulation theory I have put forward.

### **Modern Situation**

The evangelical monopoly on public education, as enjoyed a century ago, has become irretrievable through the aforementioned developments in society. Yet, the Christian Right still believes that Young Earth Creationism, as found in a literal interpretation of Genesis, is factually correct and that administration-led worship, like prayer, objectively moralizes society. To further this ideology, the movement has been forced to devise more nuanced, subtle strategies. Like RFRA's and bathroom bills (covered in the last chapter), the fight for school prayer has turned to policy goals like mandatory moments of silence and Religious Viewpoints Anti-Discrimination Acts (RVADAs), which are laws that seem to be neutral at face value but are under heavy

criticism for their subversive promotion of religion. The creationist movement has also began to support seemingly neutral legislation like a string of “academic freedom” bills that prevent administrators from interfering with teachers who voice flaws with evolutionary theory. Also, teaching of intelligent design, a theory that links certain features of the universe to a purposeful, intelligent design as opposed to natural processes, in schools has been advanced to counteract modern science instead of a straightforward endorsement of Biblical creationism. However, some Christian Right factions have opted to promote unfettered religious rhetoric and policy goals for education more in line with the movement’s real sentiment. Notable politicians, like Rick Perry and Ted Cruz, openly advocate for Christian prayer in schools as a regular talking point and organizations, such as the Discovery Institute and Answers in Genesis, continue to denounce evolution and attempt to empirically promote creation science.

### **Moments of Silence**

After the *Engel* and *Abington* decisions of the 1960’s many states opted for laws requiring schools to hold moments of silence before the school day. The Supreme Court addressed one such Alabama statute in 1985 in *Wallace v. Jaffree* where they ruled that mandated moments of silence were unconstitutional, finding that the law did not promote any secular opinion while clearly only serving to advance religion as a not-so-subtle stand-in for school prayer, violating the Establishment Clause. In Justice O’Connor’s concurrent opinion, she claimed that she would have upheld the legislation if it furthered a secular purpose but the Alabama lawmaking body specifically linked the bill to bringing prayer back into the schoolhouse. Afterwards the popularity of such moment of silence acts boomed with the lower courts consistently upholding their validity through today. (Merriam, 2008)

Now, at least 35 states have some sort of law regarding moments of silence in schools, either requiring it or simply suggesting it as an option, with jurisdictions promulgating on the issue even into the 2010's. Defenders of these laws, including Rick Perry and the state Attorneys-Generals of Texas and Louisiana, claim silent pauses are not religious but is time set aside in the classroom to instill seriousness and calm over students to help them mentally prepare for their day. But many find this reasoning flimsy and a far cry from the valid secular purpose espoused by O'Connor. In fact, one survey of northern Texas elementary schools, where moments of silence are mandatory, found that children did not know why they had to stand and be quiet for a minute of their day. (Persky, 2009) There is outspoken opposition from nonreligious and atheist groups who see these mandates as an unabashed substitute for school prayer that peer pressure students into the activity, but they are in a minority. Almost 70% of the population is shown to be in favor of moments of silence while only 5% are against moments of silence and school prayers. (Moore, 2005). With courts continuing to uphold these laws, it seems like moments of silence are an institution here to stay.

### **Religious Viewpoints Anti-Discrimination Act**

These laws, called RVAAs, have been enacted in several states including North Carolina, Texas, and Tennessee, all of which have above average numbers of evangelicals, and assert that, in spaces where schools permit students to speak, such as school assemblies, homework assignments, and morning announcements, faculty and staff members cannot object or oppose religious expressions. In the North Carolina version, teachers and administrators can actually voluntarily join student-initiated religious activities outside of school hours and adopt respectful postures, such as bowed heads or closed eyes, during such expressions within the school day. (Sneed, 2014) (Rogers, 2009)

At first, this string of legislation seems to live up to its title and actually fight religious discrimination. After all, a founding tenant of American liberty is free expression and exercise of religion. Indeed proponents of RVAAAs claim they are codifying Free Exercise protections the Court has laid out and making sure students realize their religious freedom at school. But many are skeptical. Critics claim the laws are, at best, redundant legislation and, at worst, a way of injecting school-sanctioned religious observance and prayer into the school day again. If the law truly does prevent faculty from curtailing religious expressing during student led events and moments, it is easy to imagine fervent individuals praying over morning announcements or proselytizing at football games. Considering that these expressions would occur during school hours, on school property, and in front of captive audiences, it would seem that RVAAAs are in clear violation of the Establishment Clause principles outlined in *Santa Fe Independent School District v. Doe*. (Rogers)

Organizations such as the American Civil Liberties Union and Americans United for the Separation of Church and State have made bold statements and threatened legal action against RVAAAs but, so far, none have been brought. One explanation is that states with these laws, especially Texas and Mississippi, are rural with large populations of evangelicals who drown out possible dissenters. The Americans United legal team describes finding cases in Texas where the RVAA has been abused as tantamount to finding a needle in a haystack. For now it seems to be going virtually unchallenged, marking it as a Christian Right victory. (Rogers)

### **Outspoken Support for School Prayer**

With the Christian Right's values undeniably serving as the Republican Party's bread and butter, school prayer has become a rallying cry for conservative politicians and candidates. GOP presidential hopeful Rick Perry, at his most pandering, appeared in an ad, wearing a blue work

shirt and a hunting coat, claiming that President Obama was “waging war on religion” and advocated for prayer to be reintroduced in schools to combat other issues highlighted including gays serving openly in the military (Selby, 2011). Fellow runner Ted Cruise, who has carefully constructed a strong, evangelical image for himself, has stated outright that he wants to put prayer back in schools. His campaign adopted “religious liberty” as a social policy cornerstone, unambiguously arguing to blur the line between church and state. (Draper, 2016)

These candidates clearly express a desire to reinvigorate school prayers, rhetoric that runs contrary to the nuanced policy proposals highlighted above. Perry and Cruz found wild success in their home district of Texas where evangelicals and Republicans make up the electorate but their campaigns ultimately fell short. The nation, as a whole, has trouble accepting such unfettered fundamentalist sentiments with support for daily school prayer continuing to dip (Riffkin, 2014). This seems to indicate that school prayer is an issue that can only be advanced in highly evangelical jurisdictions. Though a popular rallying cry, it must be tailored with ambiguous rhetoric to find footing in the public forum, let alone in a legal battle.

### **Academic Freedom**

These bills, finding their philosophical origins in the “balance bill” movement, reportedly aim to ensure that all views, regarding controversial subjects, are addressed in the public school setting. Senator Rick Santorum was the first to bring this idea to national attention in his so-called “Santorum Amendment” to the No Child Left Behind Act which labeled biological evolution as controversial, flawed, and not entirely accepted. As such, the amendment demanded leeway for the theory to be criticized in the classroom with alternative viewpoints (Orr, 2005). Observers saw through the ambiguity of the language and recognized this as a pro-creationist ploy because that camp is, in reality, the only “alternative” to evolution. Scientists and educators

protested in a massive backlash, highlighting the soundness and lack of actual controversy with evolution, and successfully lobbied the amendment's removal (Issues, 2002).

After failing at the federal level, academic freedom bills went to the states. The real perceived strength of this legislation is that it makes no mention of creationism or intelligent design and does not prescribe their inclusion in the curriculum, which is what eventually led to the demise of past anti-evolution laws. But, yet again, this movement received immense disapproval from scientific experts and educational organizations such as the National Educational Association and National Center for Science Education, who saw the laws as inconsistent with facts and, thus, damaging in a school environment (Cavanaugh, 2008). In examining the legislative history, the Academic Freedom movement seems to have failed. Between 2004 and 2011, 40 bills were proposed over 13 states with only the Louisiana Science Education Act passing (NCSE).

### **Intelligent Design**

Intelligent design is a theory claiming that, due to the complex nature of the universe and living things, that their origin can best be explained by an intelligent, directed cause rather than random, natural processes such as biological evolution of the Big Bang Theory, while self-consciously removing itself from organized religion and creationism. ID, as it is sometimes known, often draw analogies between natural systems and human inventions, implying similar levels of complexity between the two constituting a similar mechanism of genesis. The movement was first promoted in the 1990's by the conservative think tank Discovery Institute who have launched many public relations campaigns over the years to defame evolution and to promote intelligent design, especially in the public education sector. (Pennock, 2001)

By its own admission, the Discovery Institute's overarching goal, called the Wedge Strategy, is not to influence the scientific community but to introduce its ideas into the classroom. Through projects like Teach the Controversy, Free Speech on Evolution, a Critical Analysis to Evolution, and the Social Effects of Evolution, the organization attempted to discredit Darwinism by framing it as inconsistent and flawed and even responsible for social ills like Nazism, racism, and eugenics. This negative advertising served as a way to create a vacuum in scientific understanding which would be filled by intelligent design hypothesis. While not promoting organized religion or theism, the end result would be to lead students directly to these ideas. (Slack, 2013)

Discovery Institute proved to be quite influential, even assisting Senator Santorum in drafting his amendment. School boards throughout the country adopted the organization's educational material including Dover County in central Pennsylvania leading to the 2005 case *Kitzmiller v. Dover Area School District*. Intelligent design was added to the biology education as an alternative to evolution, enraging concerned parents. With the help of organizations, like the ACLU, the Dover School District was sued in Federal District Court where the judge ruled that teachers being forced to present intelligent design was unconstitutional because intelligent design was unequivocally linked to creationism and, thus, violated the Establishment Clause. In the facts and findings, ID was also called unscientific, highlighting the universal disapproval of the theory by experts and professionals. Even though the ruling only affected Dover County, this case has been seen as the leading authority on ID jurisprudence and has dramatically curtailed the movement ever since.

### **Overt Creationism**

Though much of the Christian Right is devoted to these subtle approaches to science education, there are still some that unapologetically advocate for creation science to be taught in public schools. The most active group working in this style today is the Answers in Genesis organization. Founded by prolific preacher Ken Ham, who, their main function is to advocate a literal interpretation of the book of Genesis which includes espousing the belief that the Earth is approximately 6,000 years old, all human beings are descended from Adam and Eve, and, of course, that evolution is false and scientifically inaccurate. To spread this message, the group produces educational materials, gives sermons, prints journals and magazines, and operates a Young Earth Creation Museum and a Noah's Ark themed amusement park in Kentucky. (Answers in Genesis, 2016)

The organization is often criticized, in the mainstream press, scientific community, and by other Christian entities for its aggressive style. The facts, figures, and methods used to support the Young Earth creationist hypothesis have collapsed under scrutiny. Answers in Genesis has had no qualms antagonizing believers and nonbelievers alike, calling any acceptance of evolution a wholesale rejection of Biblical principles and the reasoning for societal and cultural ills. This attitude has led to numerous public confrontations, the most famous being the feud between Ken Ham and famed science educator Bill Nye. The two men held a creation versus evolution debate in early 2014 with tickets to the event selling out in minutes and an additional 3 million in the live stream audience. Commentators almost unanimously declared Nye as the victor, presenting a much stronger argument, however the issue is still not settled. (Ruppel, 2014)

## **Conclusion**

This chapter seems to demonstrate that the Christian Right's involvement in education is following my defense manipulation hypothesis. Beginning with a complete monopoly on the



public educational system, time has incrementally chipped away at school prayer and creation science education, forcing the CR to respond with more nuanced rhetoric and policy goals. State sponsored school prayer and devotion has been replaced by religious anti-discrimination and moments of silence while creationist science and the rejection of evolution has been replaced with academic freedom and intelligent design. These school prayer replacement policies, while admittedly being a far cry from overtly re-instituting the practice, have seen marginal success as the state level. Conversely, intelligent design and academic freedom have been policy failures, ensuring that evolution remains the theory of human origins in the classroom. However, there is some activity that is incongruent with the expected behavior under the defense manipulation theory, namely, the overt endorsement of school prayer and creationist science by politicians, candidates, and organizations which have experience no real policy success. It should be noted that, like LGBT rights, the Christian Right's activism on this issue is essentially constrained to the state and local level, especially within evangelical stronghold regions, indicating a national public that is generally hostile to the underlying sentiment.

### **Chapter 3: Abortion**

“Polarized” is a term often used to describe the American political environment. Issues are framed as dichotomous, having only two sides, right and wrong, black and white, liberal and conservative. With no gradation or grey area, this absolutist framework has done much to divide political elites and the general public on controversial subjects with none being as intolerable or infuriating as abortion.

On the liberal side of this rift is the “pro-choice” camp that views abortion as guaranteed under one’s right to privacy. A fetus is an extension of a woman’s body until it has reached a stage of development where it can live outside the womb, either on its own or with the assistance of technology, becoming a separate person. As such, a woman, being autonomous over her own body, has the right to terminate the pregnancy before this independent stage. The conservative side of this issue consists of the “pro-life” camp, largely supported by the Christian Right, that considers abortion to be unabashed murder. Life begins at conception even before consciousness, development, or the ability to live independently from the mother, rendering an abortion, no matter how early, as the deliberate killing of a human being (Family Research Institute, 2017).

Abortion has become such a controversial topic in contemporary discourse that the pro-life sentiment is now a cornerstone of the Christian Right movement. Evangelical ministers and conservative politicians throughout the country frequently use anti-abortion talking points as a direct path to their audiences’ heartstrings. Baptist leader Pat Roberts teaches that abortion directly breaks God’s most sacred law, the Ten Commandments, and its widespread acceptance and availability is tantamount to the extermination of Jews in Nazi concentration camps (Roberts). The issue is so dear to Mr. Roberts that he has labeled tragedies and hardships, ranging from stock market failures to the 9/11 Terrorist Attacks, as “God’s judgment” for the

“slaughter of millions of unborn lives.” (Taintor, 2015). Even 43 years after abortion was legalized nationwide in *Roe v. Wade*, the topic was exacerbated on the 2016 Presidential campaign trail.. Commentators have remarked that this set of Republican candidates have taken more aggressive stands against abortion than previous, more successful GOP nominees, such as George Bush, John McCain, and Mitt Romney, with Marco Rubio going so far as to claim that he “rules on the side of life” even in cases of rape and incest. (Caldwell, 2016)

Contrary to the defense manipulation hypothesis, the Christian Right’s sentiment regarding abortion has changed over time in some surprising ways. Though many view the *Roe* decision as the primary catalyst of the entire CR movement, this is largely seen as revisionist history. In the years surrounding the case, evangelicals categorized abortion as a “Catholic issue,” nearly expressing acceptance, or at least disinterest, in the idea. It was not until the late 1970’s and early 1980’s that fundamentalists united and established the modern pro-life movement (Balmer, 2014). Though recent years have added small-government appeals and secular philosophy inch into the abortion discourse, the Christian Right constitutes the backbone of the anti-Roe crusade, utilizing an edifice of Judeo-Christian values and Biblical teachings (Levinovitz, 2017) (March for Life, 2017). But, with abortion being such a long-established Constitutional right and the continued secularization of America, how can evangelicals act on their dogmatic principals in such an unfettered way?

	Sentiment	Rhetoric	Policy Goals	Outcomes
Pre-1980 Election	Lackluster, no real consensus, no significant objection	Almost accepting, moderately secular	Silence and some tacit agreement with <i>Roe v. Wade</i> and right to choose	Abortion legalized with no significant evangelical objection
Post 1980 Election	Abortion under most or	Life begins at conception	Outlaw abortion	Constitutional amendment in

	all circumstances is sinful and wrong on Biblical principals	due to Biblical inerrancy making abortion murder, some internal dissent that is overridden	through amendment to the Constitution, pro-life Supreme Court justices, and restrictive state regulation	permanent limbo, some judicial success with ban on partial birth abortion, possible future pro-life jurisprudence with new nominees, state regulations somewhat effective but tempered by Court
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Outline of Chapter 3 Findings (NOTE: the data collected runs contrary to expectations)

## **History**

### *Policy*

Anti-abortion legislation is a relatively new phenomenon within the American and common law context. At the Founding, pregnancies could be lawfully terminated before the first sign of fetal movement, called quickening, usually taking place between 15 and 20 weeks (Levene, 2000). In 1821, Connecticut became the first state to legislate against abortion by outlawing the “poisons” apothecaries used to induce fetal termination. New York took things further eight years later by categorizing post-quickening abortions as a felony and pre-quickening abortions as a misdemeanor, beginning a trend in criminalizing the activity which often included penalizing the woman and the provider (Alford, 2003).

Throughout much of the nineteenth century, professional physicians helmed the push for anti-abortion law. Emerging science revealed that conception actually began a more or less continuous process that, if uninterrupted, would result in a birth. Additionally, quickening was found to be no more important than any other step in gestation, thus, if it was widely regarded as wrong to abort a fetus after quickening, it was just as unjustifiable to abort a fetus before quickening. Doctors were also much more ideologically bound to the Hippocratic Oath,

universally valuing human life as an absolute with none of the “right to one’s own body” philosophy that guides many abortion and euthanasia apologists today. Also, physicians were attempting to standardize the medical profession across the country and abortions were the main source of income for many non-professional practitioners who stood in the way of this goal. (Mohr, 1978) it is important to note that none of these reasons relied on Christian sentiment.

The latter half of the 1800’s saw the rise of the feminist movement which also became a major source of anti-abortion sentiment. Prominent figures, such as Susan B. Anthony and Elizabeth Cady Stanton, openly opposed abortion with Anthony writing, “...the woman is awfully guilty who commits the deed...But oh! Thrice guilty is he who drove her to the desperation which impelled her to the crime.” (Anthony, 1869) To these women, abortion was a societal ill that found its roots in the extreme patriarchy of the time that include atrocities like marital rape, the abuse of unmarried women, and the disregard of female autonomy (Schiff, 2006). Indeed, by the Civil War, 20-25% of all pregnancies ended in abortion with over half of these being married women, launching the phenomenon to the attention of lawmakers around the country (Mohr). Again, the anti-abortion movement still was not predicated on evangelic values.

By 1900, abortion was a felony in every state with some exceptions in place where the life of the mother was in danger (Chicago Tribune, 2017). Abortion continued, however, with the advent of reproductive rights, a concept pioneered primarily by Margaret Sanger in the 1910’s that advanced the idea that women had autonomous rights to their own bodies, including their fertility status. Against immense legal and political backlash, Sanger founded the first abortion clinic in the United States in 1916 and established The American Birth Control League, later renamed Planned Parenthood, in 1921 to educate women and provide contraceptive services like abortions (Editors, 2012). Nevertheless, Sanger and other organizations had a narrow impact on

the general public, severely curtailed by the strict legal framework. The one million abortions performed every year during the first half of the 20<sup>th</sup> century were carried out by seedy, off-the-books amateurs and dangerous, self-induced methods, leading to almost 200 fatalities a year and thousands of injuries (Stone, 2016).

This status quo was maintained until the 1960's when pro-choice groups finally broke the rigidity of abortion laws. In 1964, the horrifying photograph of Gerri Santoro, who died while obtaining an illegal abortion, instantly angered the public and caused an almost overnight rise in the legal abortion movement. Subsequently, the Association to Repeal Abortion Laws, now NARAL Pro-Choice America, was founded with a strong, grass roots base that extended from California to New York bent on replacing the current framework. People were beginning to argue that women had the right to their own bodies and, thus, inherently had the ability to control their own reproduction. Practical considerations were also weighed, namely that abortions were already widespread and individuals needed a safe place to receive them to stop the yearly onslaught of hideous fatalities (Simonds, 1996). In 1967, Colorado became the first state to decriminalize abortion, allowing the practice in cases of rape, incest, or permanent risk to the mother, with California, Oregon, and North Carolina quickly following suit. One year later, Hawaii became the first state to fully legalize abortion upon request of the woman (Smith, 1971). But, with all of this aggressive expansion came opposition, namely from Catholicism, which lent the bulk of pro-life philosophy at this time. After Pope VI declared artificial contraceptives a breach of Church teachings and the divine responsibility of marriage, Fr. James McHugh was tasked with forming the then incredibly small National Right to Life Committee to monitor and report on loosening abortion restrictions across the country, marking the first real contribution by religious actors in the debate (Cassidy, 1990) (Cassidy, 1995).

In 1973, the landmark case, *Roe v. Wade*, changed the debate forever by carving out a Constitutional right to have an abortion. The Court, in examining other decisions, the Bill of Rights, and the Due Process clause of the Fourteenth Amendment, found the Constitution carved out a broad right to privacy that prevented the government from encroaching on one's person, which included a woman's right to have an abortion. However, the state's interest to protect the fetus and the potential for human life was recognized, allowing for abortion regulation only within the third trimester of pregnancy, when the fetus was determined to be most likely viable, while eliminating all other restrictions. Notably, the decision refused to rule on the philosophical question of when life actually began in the gestation process, reverting to the common law tradition of not extending the fetus traditional rights of personhood. (*Roe v. Wade*, 1973)

Though *Roe* incited a fiery and divisive public reaction, strong political mobilization on the issue did not occur until the 1980's. As previously mentioned, evangelical opinion on the matter was subdued and uninterested until prominent figures, such as Jerry Falwell and Francis Schaeffer, goaded fundamentalists into the Republican Party in time for the 1980 election (Schaeffer & Koop, 1983). With both parties sufficiently finding a renewed ideological backbone, Republicans and Democrats began the new decade split along pro-life and pro-choice lines respectively that they more or less abide to today with some sparse, dissenting voices (Eckholm, 2011).

Federally, the first anti-abortion legislation came with the Hyde Amendment. Originally passed in 1976 by House Republicans and significantly altered in 1981, this controversial bill prohibited the use of federal funds for abortions except when the life of the mother was endangered. In practice, this only affected poor women utilizing Medicaid for health care

coverage until Bill Clinton signed an appropriations act into law in 1994 that opened up federal funds to be used for abortions in cases of rape and incest. (Rovner, 2009)

Possibly the most ambitious attempt to overturn *Roe* was by Constitutional Amendment, colloquially known as the Human Life Amendment. Over the years, there have been several incarnates of this idea by different coalitions within Congress but the basic premise has been consistent; change the Constitution in such a way to overturn the *Roe* decision. Many versions have included provisions to prohibit states and the federal government from legalizing abortion and still other go so far as to define life as beginning at conception or fertilization, a legal distinction pro-lifers seek dearly in order to extend the Equal Protection of the Fourteenth Amendment to fetuses. The most successful version came with the Hatch-Eagleton Amendment of 1983, which was the only one to be debated on either floor of Congress. However it failed to pass with a vote of 49-50, far short of requisite 2/3 necessary to progress to the next phase of the amending process. However, advocates still have not shelved the idea completely. The Human Life Amendment is still frequently mentioned in Conservative rallies and agendas today. Apologists also point out that it sometimes can take decades for these proposed amendments to really gain momentum. (Pattison, 2013)

The state-level pro-life movement utilized laws that, on their face, did not directly prohibit abortion but burdened the practice with arbitrary hoops and partial barriers. These included mandatory parental consent for minors, spousal notification, laws requiring abortion to be performed in a hospital, bans of intact dilation extraction (partial birth abortions), waiting periods, mandatory notification of alternatives, and mandatory fetal ultrasound viewings (Guttmacher Institute). These restrictions culminated in a lawsuit that became the 1992 Supreme Court case *Planned Parenthood v. Casey*. The decision reaffirmed the essential holding of *Roe*,



that women had the fundamental right to terminate their pregnancy, even amongst heavy political criticism. However, due to advances in medical knowledge, the trimester framework was overturned in favor of a new rule that protected fetuses after the “viability” point, which was now found to be at around 21 weeks. The Court also judged *Casey*, and subsequent abortion cases, with the “undue burden” test that dictates a law is unconstitutional when it presents a significant obstacle to the exercise of a fundamental right. Under these auspices, spousal consent was overturned while restrictions like parental consent for minors, informed consent, and 24-hour waiting periods were allowed to stand. (*Planned Parenthood v. Casey*)

The 1990’s saw a rise in Republican and Conservative efforts to ban intact dilation and extraction (partial birth abortion) methods, a much more narrowed and focused policy objective than the sweeping reforms attempted previously. Federally, the House attempted to pass two laws forbidding the procedure, in 1996 and 1997, which passed with wide margins, but could not outvote President Clinton’s veto (Henneberger, 1996). At the state level, some jurisdictions were successful in passing these bans, after all, the ruling in *Casey* gives states leeway to regulate abortion after the viability of a fetus. However, one such Nebraska statute was legally challenged and made it all the way to the Supreme Court in *Stenberg v. Carhart* (2000). The Court actually struck down the regulation against partial birth abortion on the grounds that it included restricting safe, pre-viability procedures and it burdened a woman’s right to choose by criminalizing the doctors who performed the operations. Separate concurring opinions also criticized the fact that this law’s restrictions forced physicians to engage in practices they did not find to be the safest in their own judgments, an argument put forward by the plaintiff in the case, Dr. Leroy Carhart. It should be noted that this ruling only struck down the Nebraska law and that

it did not find bans on partial birth abortion unconstitutional, only the particulars of the piece of legislation under review. (Stenberg v. Carhart, 2000)

But, with a conservative shift in politics at the beginning of the 21<sup>st</sup> century, new life was breathed into the fight against partial birth abortions. In 2003, the House and Senate easily passed the Partial Birth Abortion Ban Act that not only outlawed the practice but also allowed the performing doctors to face criminal and civil charges (Charo, 2007). Immediately, the new legislation faced rigorous dissent from several district court judges who blocked its implementation. On behest of the Attorney General, the case made it to the Supreme Court where the ban was upheld. Their opinion found that the objections to the law could not prove that Congress did not have the authority to pass such a measure. Furthermore, the Court acknowledged the state have an interest in preserving fetal life and that banning partial birth abortions was a justified expressing of that interest that, simultaneously, did not place undue burden on the woman's right. In response to complaints that the law did not provide an exception for the mother's health, the opinion explained that professional testimony was still divided on the issue and, in absence of medical consensus, Congress was entitled to rule on such issues. (Gonzales v. Carhart, 2007). Along with the restrictions upheld in *Casey*, this case adds to the curtailment of the Constitution right to abortion in Supreme Court jurisprudence, which many attribute to the addition of conservative justice Samuel Alito, the fear being that this issue will be controlled by politics and strategic appointments and not by the rule of law. With such a significant victory under the Christian Right's belt, the movement can advance to more significant inroads into the pro-life cause.

*Rhetoric*

Coinciding with their silent, even approving, sentiment, evangelicals vocalized a much more moderate rhetoric during the time of the *Roe v. Wade* decision. In 1968, a symposium organized by the Christian Medical Society refused to categorize abortion as a sin, instead citing “family welfare” and “social responsibility” as valid reasons for terminating a pregnancy (Scott, 2015). After *Roe*, W.S. Criswell, one of the most famous pastors of the 20<sup>th</sup> century and the former president of the Southern Baptist Convention (SBC), agreed with the Court’s decision, claiming he had always held that “it was only after a child was born and had a life separate from its mother that it became an individual person,” words that could not be more contrary to the Christian Right’s contemporary position. Indeed the SBC actively lobbied for legislation to allow for abortion under particular circumstances until that point, even publicly billing itself as a pro-choice organization until 1980 (Roach, 2015).

It was not until the election of 1980 that the evangelical community united into political action. One of the final catalysts was President Jimmy Carter’s initiative to deny the “white flight” Christian schools tax exemption as an attempt to combat de facto segregation (Balmer, 2007). At the same time, pastor and theologian Francis Schaeffer, along with Ronald Reagan’s future Surgeon General C. Everett Koop, published their famous book *Whatever Happened to the Human Race?* in which the pair advanced an anti-Roe position. They looked to the Bible and Judeo-Christian ethics to demonstrate that life began at conception and that abortion was indicative of a morally bankrupt society that was on the edge of atrocities like involuntary euthanasia and infanticide (Schaeffer & Koop, 1979). This work and its accompanying documentary essentially was the first truly compelling and widely accepted pro-life argument aimed at evangelicals, replacing the old guard philosophy established by Aquinas that “before the body has organs in any way whatsoever, it cannot be receptive of the soul” which had been

the beliefs of most protestants to that point. Seeing the power this message had, Republican Party elites enlisted the likes of Jerry Falwell and Paul Weyrich to form the Moral Majority to consolidate socially conservative Christians under the GOP banner to win back the White House. (Dudley, 2013) In this way, the pro-life sentiment espoused by the Christian Right was a top-down campaign engineered for electoral ends.

Since then, the Christian Right's rhetoric has been that based on Biblical inerrancy and teachings, life begins at conception, rendering abortion as doubtless murder. Throughout the years though, this message has become problematic, with some evangelical theologians and scholars contending the truth of these claims. David Gareth Jones' book *Brave New People*, published by InterVarsity Press, argued for the evangelical community to take a more moderate position on abortion. He wrote that the Bible did not support the proposition that life began at conception. Embryos and fetuses are morally valuable because of their *potential* for human life but should not be equaled to persons. The Christian Right community became appalled at the work calling it a "monstrous book" and leading one commentator to claim that Jones was "on a bandwagon bound for hell." Indeed the backlash was so negative that *Brave New People* became the first book InterVarsity pulled from publication in its history. (Dudley) In response to the Human Life Amendment, Hessel Bouma III, a biology professor at the evangelical Calvin College, wrote that neither the Bible nor science supported the narrative that life began at conception. It was therefore inappropriate and disingenuous to argue for fetus personhood, though he still conceded that abortion was morally wrong. Again, the Christian Right reacted in outrage, calling him a "pro-abortion professor" as morally bankrupt as the faculty of a large, public university (Bourma et al, 1989). This rhetoric is obviously a salient issue that cannot be

swayed by internal dissent, let alone the external political and social climate unlike some other issues previously discussed.

While prominent evangelical leaders and institutions unabashedly linked their pro-life agenda to Biblical interpretation, many Christian Right politicians, especially at the national level, have had to soften the religious rhetoric in order to properly court public opinion. The Republican Party Platforms of the 1990's and 2000's have backed the idea of life beginning at conception, making abortion wrong but appealing this insight to "family values" rather than God or the Bible (RNC, 1996, 2000, 2004). President George W. Bush, while maintain a firm pro-life stance, maintaining that "all children, born and unborn, ought to be protected" while also advocating heavily for the Partial Birth Abortion Ban Act, but was careful never to invoke his religious disposition as a basis for his views, despite being an ideal Christian Right president (Skelton, 2000). Even in Congressional debates over abortion related legislation, the appeal from the pro-lifers consistently revolves around life beginning at conception and fetuses possessing personhood, steering clear of the divine and Biblical references (Walsh, 2015). Though science, ethics, and medicine is no where close to determining the true beginning of life, conception is no where near the most empirically falsifiable or credible argument being advanced (Jones, 1998). It would be naïve to think that this rhetoric is meant to represent and advance real scientific position, therefore, it does not represent them. Thus, if this rhetoric does represent real scientific positons, given its source and context it can be concluded with confidence that it is based on underlying religious sentiment even if it is not made explicitly clear.

### **Contemporary Policy Goals**

#### *Sanctity of Life*

In conjunction with the Christian Right's sentiment that life begins at conception, the bulk of the abortion policy debate is centered on legally enshrining this principal. As the 2016 Republican Party Platform succinctly puts it, the goal is to finally end abortion in the United States by adding a Human Life Amendment to the Constitution that would define life as beginning at conception that would, in turn, extend the Equal Protection of the Fourteenth Amendment and Due Process to fetuses (GOP, 2016). This would be a tidy and all-encompassing solution because, by rewriting the Constitution, the fundamental right discovered in *Roe* would be reversed and no future Supreme Court case could reinstitute the practice.

However, the audacity of this proposal's reach is only outdone by its difficulty to enact. As previously mentioned, the Human Life Amendment has been introduced in Congress several times over the decades but was voted on only once, in 1983, which was unsuccessful. The latest activity on this front came in 2013 when Republican Paul Brown of Georgia introduced the Sanctity of Human Life Act that defined human life as beginning at the moment of fertilization. The legislation was then referred to the Subcommittee on the Constitution and Civil Justice where it has remained ever since, presumably never to see the light of day again (113<sup>th</sup> Congress, 2013). In short, the history of this policymaking agenda has been less than fruitful and Constitutional Amendments are notoriously difficult to enact, requiring a super majority vote (two-thirds) in the House and Senate and ratification by three-fourths of the states (Art V, U.S. Constitution). With the issue of abortion being a party-specific issue and the Democrats controlling so many states, this amendment has little practicality and virtually no hope of being passed.

*State Policies*

Though *Planned Parenthood v. Casey* curtailed some forms of abortion regulations, state-level initiatives have continued to restrict the practice. On the more tame side of this practice, many jurisdictions require mandatory waiting periods, fetal ultrasounds, the woman to listen to a fetus's heartbeat, parent notification and/or consent for minors, and mandatory abortion counseling have been common caveats for decades. But recently these laws have been increasing at an astronomical rate with the period of 2010-2015 accounting for 23% of all state abortion restrictions passed since the 1973 *Roe* decision (Guttmacher Institute, 2016).

Some of these laws have ambitiously attempted to outlaw abortion wholesale in obvious contempt of the Supreme Court's findings. Governor Mike Rounds of South Dakota signed a statute that made it an outright felony to perform an abortion, by his own admission, as a tactic to challenge the Constitutionality of *Roe v. Wade* in federal court, but, the act was overwhelmingly repealed in a referendum several months later in the face of extreme opposition (Davey, 2006). The same year, Mississippi Lower House Committee on Public Health approved an outright ban of abortion with only an exception in cases where the mother's life was in danger. The then governor, Haley Barbour said he would probably sign the bill if it hit his desk but the proposal died in the Senate where a compromise could not be reached (Associated Press, 2006). In Virginia, the House of Delegates went as far as to pass a "personhood bill" that would extend rights and immunities of citizens to fetuses from the time of fertilization. Like the Human Life Amendment, this was a blatant attempt to ban abortion wholesale by legalizing the notion that life begins at conception. The bill passed that body, but was permanently shelved by the Senate just a few days later (Minium & Walker, 2012). As in Congress, the more ambitious the proposition the more unviable and ineffective it becomes.

Also following the Human Life Amendment model, three state Constitutional amendments have made it to the referendum stage that have tried to define personhood, or life, as beginning at conception. The first of these was Colorado Amendment 48 that defined life as beginning at fertilization was a citizen initiative began by Colorado Right to Life and Personhood USA, two Christian Right organization that subscribe to the aforementioned sentiment. It was put on the ballot in November 2008 and lost in a land-slide of nearly 4-to-1, not surprising considering the state's liberal tendencies and since only 26% of the population identifies as evangelical (Pew Research Center, 2016) (Boven, 2009). But that did not deter the two organizations from strategically placing a second initiative, Amendment 62, on the ballot two years later. This time the proposition used even more vague language to extends rights of personhood to those "at the beginning of the biological development" which some commentators interpreted to include embryos. Many feared that this would not only end abortion in the state but also many forms of contraception, embryotic research, and in vitro fertilization, but, again, the change was overwhelming voted down (Jorgensen, 2009). Riding on Colorado's coattails, in 2011, Mississippi's Initiative 26 also tried to legally enshrine life as beginning at conception or the functional equivalent thereof and was struck down in a much closer vote of 58% no to 42% yes (Seelye, 2011). The result comes as a shock as the state is a Christian Right stronghold with 41% residents identifying as evangelical, well above the national average (Pew Research Center, 2016). These results further prove the futility of wholesale abortion rejections. Though it is a divisive issue, the right has been a fundamental Constitutional provision that has been enshrined for nearly half a century, giving it a longevity and weightiness that cannot be defeated as easily with public opinion like standar policymaking.



A growing trend in evangelical powerhouse states is Targeted Regulation of Abortion Providers or TRAP laws. Purporting to protect women's health, these bills do not act upon the practice itself but, instead, impose arbitrary and difficult requirements on the practitioners themselves. In practice this involves mandating that doctors performing abortions have admitting privileges at a nearby hospital and that the facilities be more complicated amenities such as an ambulatory surgical capacity. These TRAPs are expensive and imposing, shutting down clinics in droves and making abortions much more costly and hard to come by, as well as wholly unnecessary according to opponents including the American Medical Association (Center for Reproductive Rights, 2015). With obvious dissent from such esteemed medical association, supportive policymakers are clearly not advocating stronger public health but have an ulterior motive.

The most famous TRAP case, Texas House Bill 2 (HB2) passed in 2013, included admitting privileges for doctors and ambulatory surgical center updates for clinics that were so far reaching, they including parking lot standards. At the time of the bill's passage, only 7 of the 42 abortion providers in the state met the requirements and, in no time, all but 19 of the facilities closed down with an estimated 1 million Texan women living 300 miles or more (Weich, 2014). Unsurprisingly, there was outrage from reproductive rights organizations who challenged the law in court resulting in the Supreme Court case *Whole Woman's Health v. Hellerstedt* where the Texas law was ruled unconstitutional. The majority opinion found that the new regulation did not further the state's legitimate interest to further women's health, seeing that there was no evidence that even one woman was helped to have a safer or healthier abortion with the new law in place. Furthermore, the closure of so many clinics led to the conclusion that the new law put an undue burden on a woman's fundamental right to obtain a pre-viability abortion (*Whole Woman's*

*Health v. Hellerstedt*, 2016). Though the Judiciary has clearly put its foot down here, it can only rule in cases set before it. Today, 21 states maintain structural standards comparable to surgical centers and 4 require abortion doctors to have admitting privileges at nearby hospitals (Guttmacher Institute, 2016). Though TRAP are not a holistic success, they do seem to be more effective than the grandiose and ambitious propositions being forwarded, again lending credence to the idea that the Christian Right are assuming a defensive stance in the contemporary political arena.

### *Judicial Appointments*

A proposal that was swept the 2016 presidential campaign, GOP candidates fell all over themselves to promise Supreme Court justices nominees to overturn *Roe v. Wade*. With the right to abortion being instituted by Constitutional interpretation, the only other way to remove it, barring Constitutional amendment, is a contrary Court ruling. Frontrunner conservative candidates Donald Trump and Ted Cruz made no mistake about their intentions to use their potential future presidential power to appoint judges with “family values,” meaning pro-life sentiments, to enact this policy that simple legislation cannot (Conway, 2017). The stakes are raised even higher by the fact that there is already one empty seat on the bench from the death of Antonin Scalia and, throughout the term 2017-2021, as many as three additional justices could retire, dramatically transforming the consistency of the judiciary and, possibly, to Constitutional rights if right kinds of people were appointed and ruled on the right kinds of cases.

This certainly seems like a viable course of action for the Christian Right. Though many commentators have railed against judicial activism, which this is a clear case of, and the Courts caving in to political pressures, but this is an ideal that is not always reached in practice. In the case of abortion itself, the differences between the findings in *Stenberg v. Carhart* and *Gonzales*

*v. Carhart*, both dealing with similar circumstances involving similar circumstances surrounding a ban on partial-birth abortion with the former striking down the law and the latter upholding it, is solely attributable to the replacement of Justice O'Connor with the more conservative Justice Alito. Also, it is hard to know how future justices will vote with many potential nominees keeping silent on their true feelings about abortion rights and some, like Justice Kennedy, being swing voters, siding on the conservative side of some issues and then ruling liberally on others. The interpretation of the law does not follow strict party lines and tends to be a more deliberative and nuanced practice compared to legislation, which yields itself to varying, and sometimes unpredictable, outcomes. All of that being said, with a Republican, clearly anti-abortion President and a Republican controlled Senate under the Christian Right poster child of Mitch McConnell, it seems likely that Court could be overwhelming conservative with important cases on the docket in no time that could dramatically change the face of this debate.

### **Conclusion**

The issue of abortion seems to defy by proposed defense manipulation hypothesis. Instead of the Christian Right maintaining a strong sentiment throughout abortion's history in the United States, as in the two previous cases, they seemed indifferent to the issue at the beginning. Interestingly, it was not until 1980, when the debate became more contentious, that the CR adopted their current sentiment on the matter. Likewise, their rhetoric and policy goals were lackluster and nonexistent before Reagan's campaign. Instead of these two variables increasing in nuance and nonreligious language, as I expected, they have both remained virtually unchanged in 35 years. Not only that but the rhetoric and policy goals rely on dogmatic Biblical interpretation, veering sharply away from the approaches for LGBT rights and education. It should also be noted that the Christian Right has enjoyed much more success in opposing

abortions than any of the other policy areas covered. Legislation and judicial opinions have supported their fundamentalist world-view at the national and state level. While not experience total success, abortion is still legal, the movement seems to be still chipping away at the issue, with rhetoric and goals that are incredibly viable and resonate with the electorate.

## **Analysis and Conclusion**

This paper was written under the assumption that the Christian Right was, at its heart, an aggressively conservative movement. This sentiment had not changed over time because its ideological foundation, a narrow interpretation of Biblical teachings, had not changed, yet, the social and political landscape had. The malleable worldview of the general public had led to the “liberalization” of America, leading to more open attitudes towards homosexuality, multiculturalism, sexual rights, and a whole host of others issues that had historically been controlled by the Christian Right belief. Over the years, conservative Protestantism had slipped from a near-monopoly on social values to a contentious minority, creating the “cultural wars” between a progressive public and the old guard still attached to tradition. Legislative and judicial decisions like the legalization of abortion, same sex marriage, and the outlaw on official prayer in public school suggests that the Christian Right is “loosing.”

With the media, popular opinion, and public officials framing the situation as such, I proposed that, due to this more open public and “secularized” legal advances, the Christian Right has taken a decidedly more defensive, narrowly tailored, and dogmatically subtle approach to their agenda. Quite simply, this goal is to govern social policy under conservative protestant values, returning the country to a traditionally religious state, the “good old days.” However, the aforementioned sociopolitical changes have rendered this fringe program virtually unacceptable, thus, I hypothesized that the Christian Right’s activity has become more nuanced and less poignant to find mainstream appeal. I examined their historic and contemporary rhetoric, policy objectives, and sentiment within the areas of LGBT rights, education, and abortion to test my assumption. Finally, I analyzed the outcomes of such movement to see if any progress had been made towards that central goal in recent years. Having collected all this data, I will compare the

rhetoric, sentiment, and policy objectives between all three areas to determine if my original hypothesis is correct. If that is the case, the sentiment of all three situations should be consistent while the rhetoric and policy goals should demonstrate a gradual subtlety, going from pointed and overtly religious to focused and covert. Finally I will compare and contrast the outcomes of these (possibly) new defensive maneuvers to establish whether they are indeed successful against a “secularized” mainstream.

### **Sentiment**

Originally, I proposed that the Christian Right’s sentiments across all subject areas remained ideologically consistent through time due to the movement’s foundation in conservative Biblical interpretation. The Christian Right’s sentiment concerning the LGBT community has remained in consistent opposition from the dawn of the movement until the present. Homosexuality and nontraditional gender are “sinful” human creations that go against Biblical and divine dictates concerning relationships and proper concepts of identity. Though the policy goals and public rhetoric regarding LGBT issues has changed over the years, the Christian Right’s main concern has invariably been to validate their own ideas to supplant these “alternative” lifestyles. Likewise, the Christian Right’s views on human origins and natural history have remained linked to Young Earth creationism. Consequently, the evangelical camp has pushed for this idea’s authority in education from the 19<sup>th</sup> century, when it was first opposed, to the present.

Abortion is the subject area that contradicts my hypothesis. With the other two issues, the Christian Right’s Biblically based opposing sentiments has been present at their respective origins. But, when the legalization of abortion first gained traction, the evangelicals had no semblance of a unified objection. The scattered thoughts on the matter that were expressed

resembled moderate support steeped in secular thinking. It was not until some major political maneuvering and organization in the run-up to Ronald Reagan's election that the Christian Right finally adopted Biblical objections to abortion, which is still in use today.

### **Rhetoric**

Originally, I proposed that the Christian Right's rhetoric in all of the respective issues was historically governed by heavy-handed dogma, Biblical justification, and generally unambiguous language but, over the years, turned to subtlety and secular appeal to advance their agenda in an environment more "hostile" to their cause. In regards to LGBT rights, this seems to be the trend. At the beginning of that particular movement in the 1970's, evangelical conservatives were incredibly outspoken with politicians, like President Reagan, and celebrities alike used their spiritual beliefs to disparage homosexuality and denounce the LGBT community on moral grounds. But, as time went on, public toleration allowed this once fringe group to enter the mainstream, which coincided with a softening of the Christian Right's bombast. Now evangelical heavy-weights, such as Ted Cruz, hardly denounce LGBT causes outright, but, instead almost argue in the third person by speaking of "dissenters' rights," which is meant to support sects in the population that disagree with homosexuality, not because of the content of their argument but because dissenting is their "right." This shift seems to coincide with my argument.

We can also see this trend upon examination of the Christian Right's rhetoric towards education. Ever since its inception in America, evangelical speech has ruled schooling pedagogy. Creationism, as defined in Genesis, was promoted as fact that had to be taught and administration-led prayer was advocated as a vital part of the school day. However, the steady advance and widespread acceptance of modern evolutionary and geological theory, that

seemingly displaced this so called “Young Earth Theory,” forced the Christian Right to adopt a more nuanced approach in vestiges and hints of their beliefs relevant. First, creationism was billed as an “alternative” to evolution that deserves equal time. Then, the removal of Christian doctrine from the classroom was framed as “discrimination,” a government-imposed limitation on the ideas that could be disseminated in public education, which was an assault on academic freedom. Now, evangelical activists are advancing the dubious “intelligent design” theory as a plausible hypothesis to explain natural history and human origins.

Judicial activity and a validation of multiculturalism has also led to the dismantling of school prayer, also causing similar trends in Christian Right rhetoric. Devotionals directly from the administration have gone from unquestioningly commonplace, to being delegated to outside figures and the students themselves. Now, school prayer is no longer overtly advanced but is only insinuated in calls for official moments of silence during school schedules. These observations would seem to support my proposition but the contemporary Christian Right is not unified in this covert speech. During the 2016 presidential campaign, candidates Rick Perry and Ted Cruz both outright argued for the reintroduction of school prayer to national audiences as part of their runs. Celebrity evangelist Ken Ham and other organizations argue the scientific merits of Young Earth Creationism to educators as part of their ministry. While not constituting a majority of the Christian Right, these prominent examples still cast some doubt on my original hypothesis.

The data collected on the rhetoric concerning abortion really caused problems for my defense manipulation argument. Unlike education and LGBT rights, the Christian Right did not oppose the abortion movement at its outset in the 1960’s. In a total reversal of expectation, the little that evangelicals said on the matter was almost a secular endorsement, advocating abortion



as a plausible life choice in cases of rape, incest, and socioeconomic difficulties in arguments more akin to contemporary moderates. Even after the *Roe v. Wade* decision, influential evangelical organizations and leaders marked the occasion with limited fanfare, a far-cry from the scathing Biblical indictments of LGBT rights and educational reform at their beginnings. It was not until 1979 and the election of Ronald Reagan that the Christian Right endorsed the dogmatic talking points about abortion, using Biblical truths to claim life begins at conception. This “abortion is murder” rhetoric has been in use ever since, if anything growing more sure with the 2016 Republican Platform adopting the strongest language in the party’s official discourse in some time. Essentially, the abortion rhetoric has reversed my suspect trend, starting out lackluster and compliant and becoming consistently overt and heavy-handed starting at around 1980.

### **Policy Goals**

Originally, I proposed that the Christian Right’s policy goals were historically were schemes to completely govern their respective areas by evangelical values. But, as the sociopolitical landscape became more open and, consequently, more “hostile” to these sweeping propositions, the goals became increasingly scaled back, narrowly-tailored, and defensive. The trend is clearly seen in the area of LGBT rights. At the beginning of this movement, hardline evangelical social values ruled the political treatment of these issues. Homosexuality was given no public legitimacy due to traditional interpretations of relationships, rendering basic protections almost unobtainable, while Anita Bryant and others fought, with varied success, to reverse local LGBT rights ordinances that did pass. Simultaneously, the Christian Right used religious appeals to pursue policies at the state and county level that permit legal discrimination of LGBT individuals. As time went on, these far-reaching measures became politically obsolete

and “unpassable” leading to more tailored jabs at the movement, mainly legal definitions of marriage between a man and a woman, first in the national arena then digressing to the state level. At the present, with the acceptance of homosexuality and transgender at a high point combined with legalized same-sex marriage and other legal protections, the Christian Right has settled on RFRA and “bathroom bills” marking an all-time low point in the scope and effectiveness of their LGBT agenda. This seems to be in line with my hypothesis.

In education, the same trend can be observed. Until the mid-twentieth century, very conservative Biblical interpretations maintained a monopoly on science education regarding the origin of the universe and human life. But successive Supreme Court decisions has slowly pushed the Christian Right out of the schoolhouse. From an outright ban on evolutionary teaching, to mandating equal time be given to evolution and creationism, to Christian Viewpoint Anti-Discrimination Acts and “academic freedom” bills, to intelligent design, Christian Right educational policy has suffered from diminishing scope and dogma until now they are just grasping at straws in any attempts to subvert contradictory science with only trace amounts of their beliefs.

Official school prayer has been similar dismantled by the judiciary. Administration-led devotions were a mainstay in public education until the mid-twentieth century when it was officially declared unconstitutional. Since then, attempts have been made to hire individuals from outside the education system and students themselves to provide prayer and school events. Now, the main policy goal on this issue are mandatory moments of silence, a very obvious digression. Education seems to also clearly follow my hypothesis, but, there are some exceptions. During the 2016 presidential race, Christian Right heavyweights Ted Cruz and Rick Perry included the reinstatement of school prayer to their official platform. Contemporary evangelist Ken Ham and

his affiliated organizations also advocate the factual legitimacy and inclusion of creationism in public school curricula. These examples, while not constituting a majority of the Christian Right, do represent some deviation in my original proposition.

Again, the data on abortion policy significantly contradicted my hypothesis. Unlike LGBT rights and education, evangelical values did not have a monopoly the historic policy and policy goals concerning abortion. The practice, while being illegal for a long period of time, was controlled by historic societal ethics, not by conservative protestant tenets. Even when the push for legalized abortion began in earnest in the 1960's, Christian Right organizations and leaders were split with some softly concurring and others being silent. Even in the wake of *Roe v. Wade* there was some agreement with the decision and little political mobilization. It was until 1979 that evangelicals united under a pro-life banner and developed a series of sweeping policy goals concerning abortion that are still in use to this day which including Constitutional amendment that would render abortion illegal, loading the Supreme Court with pro-life justices to reverse the fundamental right to abortion found in *Roe*, and state-level laws that are not facially opposed to abortion but regulate it in such a way as to make it more scarce and harder to receive. This trend casts much doubt on my hypothesis with political inactivity from the Christian Right during the first several years of movement on the abortion front followed by a consistent barrage of assertive and forceful policy goals. The abortion policy goals also deviate from the other two areas because heavy-handed propositions, like the Constitutional amendment, and more narrow aims, like state regulations, have been presented simultaneously.

### **Outcomes**

My original hypothesis hinged on the fact that the Christian Right has been adopting more nuanced and less aggressive action in their political movement due to the changing,

“hostile” sociopolitical situation with the idea being that these new tactics would be effective with the new constituency. After collecting the data, however, the results have been mixed at best. After decades of anti-LGBT campaigning, civil rights on this matter have, nevertheless, been forwarded. Criminal punishment for homosexuality have been overturned, employment and housing discrimination has been abolished, LGBT individuals have obtained high places in politics and cultural, and same-sex marriage has been won, in spite of Christian Right countermeasures. Their latest oppositions, “bathroom bills” and RFRAs, have undoubtedly received an abundance of media hype and many have bemoaned their theoretical implications. In actual practice though, they have proved to be quite ineffective, being bogged down by lawsuits, grassroots resistance, business boycotts, and general unenforceability.

Keeping school prayer and creationism in education has been a continuously “losing battle” for decades. Supreme Court decisions have forced the secularization of public schools tenet by tenet. Today, many states have indeed passed Religious Viewpoint Anti-Discrimination Acts, mostly in the South, but, with such rural populations, it is hard to see whether this legislation has really affected the science versus religion debate in education. Academic Freedom bills, on the other hand, only passed in one state, Louisiana, hardly constituting any sort of victory. Intelligent Design theory has also fallen flat on its back with the case *Kitzmiller v. Dover Area School Districts* finding its teaching to be in clear violation of the Establishment Clause, adding to the insurmountable anti-creationist jurisprudence.

However, the Christian Right has found some victories in their pro-life campaigning. Though *Planned Parenthood v. Casey* and *Whole Woman’s Health v. Hellerstedt* place restrictions on the extent of state-level abortion regulations, reaffirming the fundamental right to an abortion, they also have tacitly approve many other forms of regulation, resulting in a mixed

victory at the state level. While a Constitutional Amendment to end the practice remains highly unlikely, the idea has not lost support in decades, which many see as a testament to its viability. Though the Constitutional right to abortion has been clearly defined since 1973, prompting a sort of legitimization over time, it was severely curtailed with the ban on partial-birth abortions during the Bush administration. It should not be forgotten that abortion comes from Constitutional interpretation, which is not permanent but can be reversed by findings in another case, making a dramatic realignment of the Court a feasible, if unknown, route for abortion elimination.

Keeping all this in mind, it seems that the Christian Right has been less than effective in real political activity. This is a curious outcome considering the religious makeup of the United States and popularity of the Christian Right and their values. Although this paper is not designed to answer the “why” and “how” of these outcomes, it would make for interesting and important future research. After all, theory and political behavior are important but policymaking is the real end game.

### **Conclusion**

It seems that my original hypothesis, that, despite unchanging sentiment, the Christian Right have been softening their rhetorical and policy approaches in a “secularizing” America to stay politically relevant, has not quite stood up to this paper’s scrutiny. Upon comparing my data, I found that LGBT rights and education generally followed this rule. Yet, in regards to abortion, the Christian Right began with a weak approving sentiment and equally feeble accompanying rhetoric and policy stances. It was not until 1979-1980, with the issue having been firmly in the mainstream discourse for many years, that the Christian Right developed the dogmatic and heavy-handed sentiment, rhetoric, and policy goals that have oddly remained unchanged.

One possible explanation is that my defense manipulation is correct and that abortion is an outlier subject. Though public opinion has secularized on many issues, abortion is an exception. Polling data has remained the same essentially since the 1980's, with the population being split. Scientific advancement, while increasing understanding and acceptance of many controversial matters, like evolution and environmental degradation, has worked in the opposite direction for abortion as medicine has increased its capacity to preserve fetus life outside the womb. These facts seem to beg the question of what drives opinion on abortion? It seems to also be a substantively different kind of issue from LGBT rights and education, which are socially focused rather than steeped in medicine. This postulations would make for interesting future research that could tie up this loose end.

Another thing to consider is that the Christian Right has made measurably more policy progress with abortion at the national as well as state level despite their more aggressive approach. Perhaps it is this aggressive approach that has granted them more victory considering that the more soft rhetoric and policy goals of LGBT rights and education have resulted in marginal outcomes at best. If so, this would go a long way to upsetting the notion of the culture wars and the progressively liberalizing society. After all, evangelicalism is still the largest religious sect in the country. Additionally, 70% of Americans identity as Christian and the country enjoys a much higher rate of church attendance than other industrialized western countries. Could this indicate that public opinion may be more in line with Christian Right sentiment than previously supposed?

Taking all of this into consideration, it could also be that my hypothesis is just wrong. Usually, explanations that do not account for all variables are considered fallible. My defense manipulation theory assumes that the culture war is a real phenomenon, however, if public

opinion is more in line with the CR, or if it is not as hostile as I perceived, this discrepancy could account for the off predictions. It could also be that there really is no succinct theory that can explain all of the Christian Right's behavior. The movement is, of course, a loose conglomeration with no central standardization. Perhaps there is no accounting for all of its activity due to this disjointed nature and it is better to analyze its movements on a more narrow scale, such as by issue or level of government. In any event it seems that my research has opened more questions than it has answered and future investigation is required to make more progress on this front.

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