

John Ashcroft: Making a Federal Case Out of Sin

— by Michael Figura —

During his confirmation hearings in January 2001, some senators expressed concern that John Ashcroft might allow his conservative Christian views to interfere with the position he sought as U.S. attorney general. In response, Ashcroft reassured them: “I understand that being attorney general means . . . not enforcing my own personal preference; it means advancing the national interest, not advocating my personal interest.” The Senate subsequently approved him.

Nonetheless, shortly after he took office a religious controversy within his department came to light. Ashcroft inaugurated a practice of holding daily prayer meetings in the Justice Department’s main building. On May 15, 2001, *Cybercast News Service* reported that such activities were causing staffers who chose not to participate to feel uneasy and isolated. An unidentified employee stated that the daily prayer ritual “strikes me and a lot of others as offensive, disrespectful and unconstitutional. . . . It at least blurs the line [between church and state], and probably crosses it.” Later that month, on May 28, *Cable News Network* described a policy of internal censorship wherein “new guidelines for documents bearing Ashcroft’s signature bar the use of the word ‘pride’ and the phrase ‘no higher calling [other than public service],’ both of which contradict” Ashcroft’s devout evangelical views.

After censoring words, Ashcroft graduated to censoring sculpture. The *British Broadcasting Corporation* reported on January 29, 2002, that \$8,000 had been spent on curtains to cover the *Spirit of Justice* and *Majesty of the Law* in the Justice Department building. These two statues, which Ashcroft stands in

front of during press conferences, are in the shape of a woman with one breast exposed and a man who is nude but for his loin region.

For example, the influence of conservative religious doctrine on Ashcroft’s Justice Department doesn’t end with internal matters. It more dramatically affects what the department does and how it does it. Although Ashcroft and other Bush Administration officials purport to be in favor of states’ rights, their actions can go in the opposite direction if an evangelical Christian principle is at stake.

That’s exactly the situation with Oregon’s Death with Dignity Act. Narrowly passed by Oregon voters in 1994, then overwhelmingly reaffirmed in 1997 against a repeal effort, its legality was confirmed with a 1997 U.S. Supreme Court decision recognizing the right of states to legalize or prohibit physician-assisted suicide. Since that time terminally ill residents of Oregon have been able to secure prescriptions for lethal medications.

But as the editors of the *Boston Globe* report in a November 10, 2001, article: “Religious conservatives of many different faiths have opposed [Oregon’s] law as an interference with divine will. . . . Now Ashcroft has instructed the Drug Enforcement Agency to revoke the license of any Oregon doctor who prescribes controlled substances to assist a patient’s suicide.” It seems the attorney general sought to defy the state of Oregon and the Supreme Court in an effort to use federal drug laws to stop sin.

Similarly, Ashcroft has stepped into California’s affairs. The state’s 1996 Proposition 215 permits physicians to prescribe marijuana for medical purposes and authorizes the growing and selling of the drug to those with doctors’ prescriptions. Though federal law prohibits these actions, the Tenth Amendment to the U.S. Constitution authorizes state law to prevail. Furthermore, Janet Reno, when attorney general, allowed California to act on Proposition 215. Ashcroft, by contrast, moved in February 2003 to crack down on

California’s medical marijuana industry.

Most recently, Ashcroft is using the department to intervene in the affairs of the U.S. territory of Puerto Rico. Puerto Rico hasn’t used capital punishment since 1927; the island’s constitution, which Congress approved in the Compact of 1952, forbids the death penalty. Yet Ashcroft is now attempting to override Puerto Rico’s constitution by having two convicted men executed there. Apparently, to Ashcroft, scripture is clear. Exodus 21:12 (King James Version) reads, “He that smiteth a man, so that he die, shall be surely put to death.”

Conservative religious doctrine also seems to entice Ashcroft into making the Justice Department a federal vice squad. From April to September 2001, the FBI ran a wiretap on the Knock (N) Shop, a brothel in New Orleans, then busted the prostitutes in a federal crackdown. Missouri’s *Jefferson City News Tribune* declares in a June 9, 2002, article that this “brothel investigation has some wondering why the FBI made a federal case out of it.” The paper then asks, “Why [are] the FBI and federal prosecutors so interested in prostitution, a crime normally left to the local district attorney?” According to Senator Tom Daschle (Democrat, South Dakota): “If the FBI can spend resources investigating whether there is prostitution in New Orleans, they ought to be able to find the resources to investigate what happened in this country prior to 9/11.”

Then there is the evangelical Christian issue of “creation science,” offered as the polar opposite of evolution. This wasn’t far below the surface when, in response to a complaint from a creationist student, Justice Department agents on January 21, 2003, threatened to take legal action against Texas Tech University Professor Michael Dini unless he dropped a statement on his website that, “If you cannot truthfully and forthrightly affirm a scientific answer to [the question of the origin of the human species] then you should not seek my recommendation for

admittance to further education in the biomedical sciences." A Justice Department spokesperson explained the agency's involvement in the matter to the *Associated Press* on April 22, 2003: "A state-run university has no business telling students what they should or should not believe in." Dini was forced to change the statement on his website.

Sadly, Dini's case isn't the only example of the Justice Department involving itself in a small religious dispute. In Hawaii, the civil rights division of the Justice Department is now taking the island of Maui's planning department to court because the planners won't exempt a church from zoning ordinances and thus the church cannot erect a new building. The *New York Times* reports that Maui's planners aren't allowing the new sanctuary because it "would increase traffic and noise and would burden the county's ability to deliver water as well as fire-prevention and police services." The Justice Department is taking Maui County to court under a law designed to give churches an advantage in zoning battles. But the *New York Times* states, "The constitutionality of the law is much disputed. An earlier, broader version of it was struck down by the Supreme Court in 1997. . . . On June 24, a federal judge [ruled] . . . the newer law's provisions on zoning unconstitutional."

So why is the Justice Department involved in a petty zoning battle? In the *Maui News*, the Benjamin N. Cardozo School of Law Professor Marci A. Hamilton, who led the 1997 Supreme Court case, offers her conclusion. "The Ashcroft Justice Department is just dramatically pro-religion."

Attorney General Ashcroft oversees ninety-three U.S. attorneys, the Antitrust Division, the U.S. Parole Commission, the Immigration and Naturalization Service, the Federal Bureau of Investigation, the solicitor general, the Drug Enforcement Agency, the Bureau of Prisons, and the U.S. Marshals Service. He wields tremendous power that can be

directed toward his personal religious agenda. This was just what some senators feared when they made inquiries at his confirmation hearings—and their fears were justified. Furthermore, contrary to the reassuring implications he offered, Ashcroft has repeatedly placed his personal interests before the national interests, imposing his religious values on an often unwilling public. But that's how theocrats work. And that's why Humanists aren't surprised.

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Wind Power Is Set to Become World's Leading Energy Source

— by Lester R. Brown —

A national wind resource inventory taken by the U.S. Department of Energy in 1991 startled the world when it reported that the three most wind-rich states—North Dakota, Kansas, and Texas—had enough harnessable wind energy to satisfy national electricity needs. It was a surprising finding, but a new study by a team of engineers at Stanford University reports that the wind energy potential is actually much greater than that estimated in 1991.

Advances in wind turbine design since 1991 enable turbines to operate at lower wind speeds, to harness more of the wind's energy, and to harvest it at greater heights, dramatically expanding the harnessable wind resource. Add to this the recent bullish assessments of offshore wind potential and the enormity of the wind resource becomes apparent. Wind power can satisfy not only all U.S. electricity needs but all U.S. energy needs.

Wind is popular because it is abundant, cheap, inexhaustible, widely distributed, climate-benign, and clean—qualities that no other energy source can match. These are the six reasons why wind is likely to one day become the world's leading source of energy.

Lester R. Brown is president of the Earth Policy Institute.

Aspirations for Everyone?

— by Fred Edwards —

While recently chairing a panel discussion on *Humanism and Its Aspirations: Humanist Manifesto III*, I was asked to explain what is so special about this new statement: "Aren't its ideas essentially what everyone believes?"

My immediate response was whimsical. I suggested the questioner may have been hanging around Humanist circles too long and perhaps needed to get out more. But then I took the question more seriously and launched into an abbreviated version of what follows.

Too often we Humanists have stated our values in negative terms, spelling out what we don't believe and what we are against. This has led some people to regard Humanists as habitual naysayers with nothing positive to contribute. Therefore, those of us on the drafting committee for *Humanist Manifesto III* committed ourselves to the goal of preparing a document that would express Humanism not only in concise but in positive terms.

One feature of positive wording, however, is that important negatives are rendered implicit rather than explicit. As a result, some people don't immediately notice them. Indeed, positive wording has such an agreeable quality that it can leave the impression that