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Atheist challenges 155 state grants to churches

By Jim Nowlan

The state's most visible atheist crusader against church-state entanglement has recently challenged \$2.3 billion of spending in the 2010 state budget, much of it for 155 grants to religious institutions or to groups that exclude atheists, like the Boy Scouts.

Instead of the cape of a crusader, however, Rob Sherman arrived at my office wearing a Chicago Blackhawks jersey, autographed by Stan Mikita no less, and driving a blaze orange Pontiac Solstice sports car. Sherman is an affable, unthreatening fellow, reminding me of a grown-up, 57-year-old version of the star of "Leave It to Beaver," the old television sitcom.

Yet lurking beneath the equable exterior is a heart beating with the zeal of a man who, in his own words, "has been fighting injustice, one victory at a time" since the 1980s, when he forced the Illinois suburb of Zion to remove an historical Christian church from the city's seal, winning a 2-1 decision at the federal appellate court level.

In *Sherman v. (Gov. Pat) Quinn*, the activist atheist zeroes in on state grants for construction and repair projects for such entities as the Hillel Foundation at Northwestern University (Jewish), Christ the King Jesuit College Prep in Chicago (Catholic) and the Nation of Islam Temple, also in Chicago.

Filed in federal court in Springfield, the suit contends that the 155 grants violate the "establishment of religion" clause of the U.S. Constitution and the Illinois

Constitution, which declares that Illinois governments are prohibited from paying anything “in aid of any church or sectarian purpose, or to help support or sustain any school. . . .controlled by any church or sectarian denomination whatever.”

Pending further action by the court, the award of the grants has been put on hold.

“I am not against religious freedom,” explains Sherman, “but I am opposed to government taking sides in behalf of people who believe and of Christians in particular.”

Sherman notes that atheists would in effect be paying taxes to further religion, should the grants be funded. The Illinois Attorney General will shortly respond to the charges in the suit and court action will follow.

The 155 grants in question were initiated by lawmakers as “member initiatives” (some would say “pork barrel” projects) as part of a capital construction bill enacted last year. There were hundreds more grants for non-sectarian purposes, which Sherman does not challenge.

Sherman, who has lived in Buffalo Grove in the north Chicago suburbs for 25 years, has been an atheist at least since a classmate in 3rd grade at a Hebrew school asked his teacher, “How do you know there is a god?” Sherman concluded later that man has created god in his own image (white in Christendom, black in Africa, for example) rather than the other way around.

In 2007, Sherman’s then 14-year-old daughter Dawn challenged the Illinois mandatory moment of silence law as an unconstitutional endorsement of religion. A federal district court ruled in favor of Dawn, but Rob Sherman expects the 3-judge appellate court panel to reverse the decision, because the judges assigned all have affiliations with Notre Dame University, and two are Reagan appointees.

“Readers need to appreciate that federal judges are appointed,” Sherman avers, “by presidents so they can impose the ideology of their appointer. We’re right on the facts and law here but wrong on the politics.”

Sherman will consider it a victory if the court says that students may do anything during the moment of silence, and not just reflect.

The activist agitates beyond church-state issues. He has testified in favor of free transit rides for seniors and for gay marriage. Recently, Sherman has filed a lawsuit that challenges the practice by local school districts of charging students hundreds of dollars in tuition when the state constitution says that education through the secondary level shall be free.

Sherman devotes all his time to advocacy, saying that he inherited money that allows him to pursue his causes and also to initiate and pay for his lawsuits. “So don’t mess with me,” he adds.

Agree with Sherman or not, he provides a good illustration of how advocacy in the courts by individuals and groups can affect public policy—probably to the consternation of leaders of 155 religious and private institutions who figured they might have broken ground by now.