

In this issue:

Building the <i>Rule of Law</i> in New States	2
Student Transportation Grants	3
<i>Christianity in Chinese Public Life</i>	3
Constitutional Knowledge Competition	4
Upcoming Symposium on Religion and Public Life	4
Committee on Religious Persecution	5
Institute Research Fellows	5
Internships in Washington DC	6-7
Student Research Assistants	8
School Choice Policy Study	8
Grant Funding for Research	9
Annual Paul B. Henry Lecture	10
Citizen Education and the Christian School	10
<i>Religion and Politics in America</i>	10
Immigration and Community in the United States	11
Fourth Amendment Privacy Rights in the Information Age	12

Church Response to Religious Persecution

In the past few years, think tanks and advocacy groups have sounded renewed alarms about the prospects for religious freedom across the globe. The Christian church's experience in particular has been a key trigger for their concerns. The scourge of religious persecution has arguably affected Christians disproportionately (see *The Global War on Christians* by John Allen Jr.), and the situation appears to be worsening.

While North Americans face their own challenges to religious freedom, their experience of serious persecution is largely vicarious. Nearly every denomination or large non-denominational church has an outreach abroad. These international efforts in traditional evangelistic missions, development work, and media ministry entail staff and other resources in the regions a church wishes to serve. This physical presence can expose people and infrastructure to threat when religious freedom protections are scarce. As a result, churches have a vital stake in political developments in their ministry fields.

Yet, with a few notable exceptions, churches appear profoundly absent from discussions about religious liberty and persecution abroad. As Allen Hertzke (*Freeing God's Children*) tells the story, the coalition of interests in the United States that drives the policy agenda around religious freedom has not included churches and denominations. My own data about internal denominational practices bear out this narrative. I examined aggregate levels of attention to religious liberty and persecution at twenty-seven of the most prominent denominations and non-denominational churches. While just over half had a discernible formal statement on religious liberty and/or persecution, less than a third had committed any serious organizational resources to these issues (e.g., an office or dedicated staff member) and less than a fifth provided liturgies, prayer guidance, or other resources that could be used to raise awareness in their member churches.

Given the stakes, this absence is puzzling. But several factors draw the church's attention away. Some denominations frame the issues as "political," and their theology teaches them to eschew politics as useless or even dangerous. Others may see a role for politics but not for international affairs, opting instead to commit scarce resources to a more popular domestic agenda. Still others may not envision the underlying issues in terms of religious freedom at all. (My data suggest that mainline denominations, for example, are much more likely to speak in

terms of "interfaith" outreach than religious freedom, while evangelical denominations take the opposite tack.)

There are also external impediments. Religious freedom and persecution are deeply complex and intertwined issues, so some denominations prefer to cede the territory to organizations with a greater focus and expertise. But even denominations with some political sophistication face the law of unintended consequences. When lobbying in North America incurs the wrath of a host country, then seeking to open space for ministry could in fact close it off.

Still, the absence of churches from the discussion is an unfortunate missed opportunity, partly because they have a unique set of competencies and resources.

For example, churches have unusual access to key information and reasons to use it. When churches send people abroad, the direction of influence goes both ways. Field staff send information back to sponsoring churches and denominations about their ministry, including the obstacles that impede it. This is high-impact civic education for the North American church that can quicken a call to participation. Scholars of social capital know that this kind of regular information flow within networks of trust can be a seedbed for collective action.

So ordinary parishioners have both *motive* (countering threats to people they trust) and *means* (rich sources of information) to address religious persecution. The problem is that denominations and churches have not linked motive and means to real opportunities to act.

The range of such opportunities, of course, is not unlimited. A church-based opportunity to act on religious freedom/persecution need not—indeed, under most circumstances, *should* not—look like the work of Voice of the Martyrs or the Institute for Global Engagement. But other options include strengthening church-based information flows, providing greater resources in worship and corporate prayer for highlighting religious freedom/persecution, equipping field staff to address restrictions on religious freedom, and deepening interfaith networks or joining advocacy networks.

But whatever the church does, it must respond to some key questions. How might the

continued on page 2

Building the *Rule of Law* in New States

The Rule of Law Endowment was established at Calvin College in 2008 by Ed Zeilstra, in tribute to long-time Calvin Economics professor Don Pruis. During his years at the college, Pruis taught courses in accounting and business law, and the endowment was established in his honor to promote an appreciation for the rule of law—an essential cultural and legal arrangement of great interest to Pruis. The Henry Institute is working to generate activities that foster and promote a renewed appreciation among students, faculty, staff, and the broader West Michigan community for the concept.

The principle of *rule of law* refers to the concept that no individual—ruler or private citizen—stands above the law. To safeguard that principle, modern democracies typically bind governmental authorities to written, publicly disclosed laws and procedures.

A key benefit of the rule of law is predictability. Citizens can plan their lives because they have access to the rules of the game, and they know they can assert their rights under those rules if government acts arbitrarily. While those same laws and procedures can limit a citizen's own freedom to some extent, the principle of rule of law suggests that such limitations, if reasonable, are still preferable to arbitrary government action.

Since 2010, an annual Pruis Rule of Law Lecture has been sponsored at Calvin. Past speakers have included Andrey Shirin speaking on problems with the rule of law in Russia; Kevin den Dulk discussing the rule of law and property rights in China; and P.J. Hill addressing the connection between rule of law and the image of God. The most recent Rule of Law Lecture, held on November 4, 2013, featured Dr. Sandra Joireman, who is the Weinstein Chair of International Relations and teaches political science at the University of Richmond in Virginia. Much of her research and work has focused on how institutional frameworks impact economic growth and political stability, including issues surrounding law and property rights in previously colonized developing countries.

Dr. Joireman has recently been working in Liberia and Kosovo, examining post-conflict property rights. In both

countries, conflict displaced a large number of people, and a portion of her research focuses around what happens to property rights when conflict ends and individuals return to claim their land. Her lecture at Calvin dealt primarily with the situation in Kosovo, the poorest country in Europe, which declared its independence from Serbia in 2008 and has been striving to enter the European Union since 2013. The first step towards European Union membership involves the country signing a Stabilization and Association Agreement which, among other things,



...law making is a process that cannot be rushed, and...every law needs a committed constituency within the citizens of the country in order to be enforced.

requires national laws in compliance with EU standards.

Since many of the political elite in Kosovo view EU participation as an important part of the country's future, the government has been passing laws that comply with the Stabilization Agreement.

However, according to Joireman, in order to have a robust rule of law in an independent state, the issues surrounding new laws need to bubble up from the masses in order to ensure overall compliance within the nation. The government cannot constantly compel observance of the laws; instead, there must be a population that *believes* in the law, resulting in compliance at the basic level of the populace. Joireman notes that in Kosovo, many of the laws on the books are rational and equitable and comply with EU requirements—but do not have the support of the country's citizens. She gave the example of smoking legislation, noting that in Kosovo there are laws prohibiting smoking in public places, but the population doesn't support those laws. Smoking, therefore, remains rampant, with the citizens (and the public establishments) finding ways to circumvent the law, leaving the government powerless to enforce the legislation in practice.

In many developing countries, according to Joireman, there is an established historical pattern of customary law,

Church Response

(continued from page 1)

church address the conditions for intergroup conflict that often give rise to persecution? How should believers respond to the call to love their enemies? Does the church have anything distinctive to say or do about the structural dimensions of persecution? How can the church confront states that condone or perpetrate systematic abuse of religious groups?

These questions defy easy answers, but their difficulty does not absolve the church from attempting to respond to them.

~
Article originally written by Henry Institute Director Kevin R. den Dulk as part of the Center for Public Justice's "Capital Commentary" series.

Available at: <http://www.capitalcommentary.org/religious-freedom/engaging-domestic-church-over-religious-persecution>

See related articles on pages 5 and 8

versus formal statutory public law. Frequently, these traditional laws come into conflict with newly established egalitarian requirements. In Kosovo, this is clearly seen in the issue of inheritance law and property rights, where the country has an absolutely egalitarian statutory law about passing property, but the traditional customs and actual practices are extremely exclusionary, leading to a very confusing and inequitable passing of property. And, since the customary rules and practices have been in effect for years, it is complicated and challenging to change the course and enforce egalitarian statutory laws.

Joireman concluded her lecture by noting that the goal in Kosovo is to build a constituency among the population that will lead to enforcement of laws that are in compliance with the European Union standards, since the EU will continue to be a force in the Western Balkan states. However, she notes that law making is a process that cannot be rushed, and that every law needs a committed constituency within the citizens of the country in order to be enforced.

~
See an interview with Dr. Joireman conducted by Henry Institute Director Kevin den Dulk at: <http://vimeo.com/99260546>

Students Receive Grants for Transportation to Internships

One of the goals of the Henry Institute is to help students connect their experience at Calvin to vocations that integrate faith into public life. During the past academic year, the Institute pursued that goal by assisting numerous students with transportation to local internships. Twenty-four individuals received between \$30 and \$250 in reimbursement for travel costs. Calvin supporters Ron and Ann Kunnan generously provided funding for the grant program.

The grants were directed toward programs and projects related to public life and civic education. The application for transportation assistance required students to briefly explain how their internship experience would meet the criteria of enhancing public life, and the responses varied widely.

According to one student, “on a daily basis, I will be working...to provide opportunities for students to learn about the world, assisting them in constructing and expanding knowledge, and building relationships—essential work in cultivating a community foundation of well-equipped citizens and leaders for the next generation.”

“My work in Bethany’s refugee acculturation program fully relates to public life and civic engagement, as these individuals are entering the U.S. as refugees or asylees who will be eligible and applying for citizenship, and eventually become members of the American political body,” according to another.

“We are helping them become fully functional citizens.”

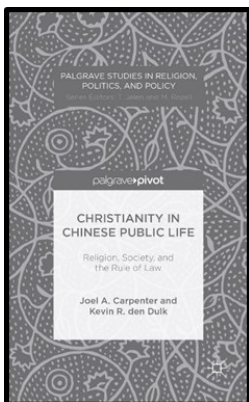
A third responded that “Refugee and immigration issues are important on the national policy level and the local level of public life—my work at Bethany involves marshalling church congregations, other non-profits and volunteers locally and nationwide to engage with refugee communities and their concerns.”

The students were grateful for the assistance that the Kunnens provided through the transportation funding, and several of the employers also expressed appreciation. Aaron Russo of Bethany Christian Services wrote, “We at Bethany appreciate the generosity of the Kunnan Family and their grant program, which enables Calvin students to serve the greater Grand Rapids community in this important way.” ~

“Accepting an internship at the Executive Office of Governor Snyder... was a leap of faith for me, since it was unpaid without any stipend or compensation for gas. Commuting 3 days a week between Hudsonville and Lansing was costly, but I believed the experience would provide excellent opportunities and future knowledge and skills... This funding makes me appreciate what a caring community encompasses Calvin College.”

Cara Overweg
2014 Calvin graduate

New Book Published on Christianity and China



Today, one-quarter of all Chinese citizens claim a major religious tradition, and yet the state remains deeply concerned about religious activity. The West tends to view religion-and-state relations in China in bipolar

terms: dissidents' resistance on one side and government repression on the other. But the interaction of religion, society, and governance in China is much more subtle and complex than that dichotomy would allow.

Led by editors Joel Carpenter (Calvin's

Nagel Institute) and Kevin den Dulk (Henry Institute), the contributors to *Christianity in Chinese Public Life: Religion, Society and the Rule of Law* focus on Christianity in China to examine the prospects for social and political change, with many writing from personal experience living in China.

Students of democratization assert that when citizens escape poverty, they seek more freedom of expression and subsequently establish agencies to express those values. The resulting 'civil society' helps citizens mediate between their interests and the state's and provides options to seek the public good through non-governmental means. *Christianity in Chinese Public Life* deftly explores the question of whether an increase of religious activity in China amounts to a nudging forward of democratization. ~

Available from Palgrave Macmillan Publishers

Kunnan Transportation Grant Student Internships

Kimberly Bouman
City High Middle School; Forest Hills Public Schools

Andrew Claucherty
Kent County 17th District Court Family Division

Shannon DeJong
Degage Ministries

Melissa DeMaagd
East Grand Rapids Public Schools

Hannah DeWeerd
Stocking Elementary School

Laura Diemer
Cherry Street Health Services

Mary Evak
Heartside Ministry

Kimbra Filippinni
Legacy Christian School

Serena Hamann
Bethany Christian Services Refugee Acculturation

Jinkwan Kim
World Renew

Kai Koopman
Bethany Christian Services Refugee Acculturation; YMCA Community Outreach

Kelli Kortman
City High Middle School

Jeremiah Marsden
Grand Rapids Housing Commission

Averi McEwen
St. Stephens School

Samantha Musolf
Bethany Christian Services

Linnea Nelson
Godfrey Lee Elementary School

Cara Overweg
Governor Rick Snyder's Office

Ellie Spindler
Catholic Charities of West Michigan

Matthew Stoel
E. Kentwood High School; Martin Luther King Elementary School

Katie Tinsley
Bethany Christian Services Refugee Acculturation

Paul van Bemden
Kent County Juvenile Detention Center

Madalyn Witte
West Elementary Wyoming Public School

Velva Yonker
Hudsonville Christian School

Henry Institute Hosts Constitutional Knowledge Competition

On November 11, 2013, the Henry Institute hosted 20 students from Potters House Christian High School AP Government course for a practice competition focusing on United States constitutional knowledge and application. The students were divided into six teams as part of their participation in the *We the People: The Citizen and Constitution* Program. The event is sponsored annually by the Center for Civic Education, an organization dedicated to promoting teaching and learning about the Constitution and Bill of Rights.

During the competition, each group gives a 4 minute presentation within a simulated Congressional hearing setting, where they are judged by a panel that evaluates their presentations and asks follow-up questions. For the practice competition, Calvin College students from the Political Science 101 honors class served as evaluators; judges at the actual competition are recruited from



Potters House Christian School's *We the People* competition team

among judges, lawyers, political science professors, teachers, elected officials, and other practitioners. The formal program takes students from regional competitions to state-wide contests, with the state winners continuing on to participate in the national event held in Washington D.C. each spring.

"The Henry Institute is excited to be involved in opportunities that reinforce the importance of civic involvement and

knowledge at all levels of the educational system," noted Kevin den Dulk, Director of the Institute. "We are exploring ways to expand civic education, especially for high school students, as part of our mission to explore the interplay between Christianity, public life and politics. It was a great experience to watch these twenty students demonstrate their understanding of our Constitution and Bill of Rights!" ~

Upcoming Symposium on Religion and Public Life Scheduled for Spring 2015

From April 30 through May 2, 2015, the Henry Institute will sponsor the eighth biennial Symposium on Religion and Public Life. The event will be held at the Prince Conference Center on the Calvin College campus, and features a forum where individuals working and interested in the relationship and interaction between religion and public life can present papers and discuss issues. The Symposium further provides a venue for fostering personal and professional networks and facilitates future joint research endeavors.

During the last Symposium in 2013, more than 100 scholars from the United States, Canada, Europe and Africa presented their research during thirty panel sessions. Participants explored various faith traditions, including Protestantism, Catholicism, Hinduism, and Islam. The religious perspectives, timeframes, countries, and topics varied greatly, and included discussions of American, comparative and international politics, political parties, natural law, theological perspectives on public life, recent survey data, and many other areas.

Two special lectures will be featured during the 2015 Symposium, with the annual Paul B. Henry Lecture scheduled for the evening of Thursday, April 30. The Henry Lecture brings a prominent Christian political practitioner to Calvin

College each year to speak about the interplay of religion and public life, seeking to encourage the college and the community to actively integrate a Christian worldview with civic involvement. Over the past eighteen years, the lecture has featured individuals from both political parties, speakers from liberal and conservative viewpoints, scholars who have examined current political issues and questions, and prominent leaders of non-profit organizations actively working in the public policy arena. (See related article about this year's Henry Lecture on page 10.)

The 20th Annual Kuyper Lecture, sponsored by the Center for Public Justice, will be on Friday evening during the Symposium. The lecture is named for Abraham Kuyper, an influential Dutch scholar-statesman who believed that the Christian life cannot be confined to church life. His assertion that Christ is the Lord of every "square inch in the whole domain of our human existence" led him to the conclusion that faith has implications in all human activities. The lecture series aims to provide an opportunity to address the "big questions" of public life.

Scholars and graduate students across the disciplines are invited to present papers at the Symposium. Individuals are welcome to present research on any

aspect of the relationship between religion and public life, from political theory, international relations, public policy, political history, comparative politics, electoral politics, public law, the sociology of religion, and more. The Henry Institute will accept proposals for presentations at the Symposium through mid-February, with notification to presenters about acceptance shortly thereafter.

Attendance at the Symposium is open to all individuals interested in exploring the interplay between religion, public life and politics. ~

Additional information and past Symposium Programs available at www.calvin.edu/henry

The Paul Henry Institute is on Facebook. Join us as a "friend" and find current information and reminders about upcoming lectures and events. Search for "The Paul B. Henry Institute at Calvin College."

The Institute website, located at www.calvin.edu/henry provides extensive information about programs, lectures, archived material, publications, and special projects.

To receive emails with information about upcoming programs, you may also request that your email address be added to our records by sending your email address to henry@calvin.edu.



Institute Director Chairs Committee on Religious Persecution

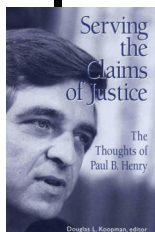
At its summer 2013 Synod (governing board) meeting, the Christian Reformed Church in North America (CRCNA) appointed a formal study group to consider the issue of religious persecution, and Dr. Kevin den Dulk, Director of the Henry Institute, was selected as the chairperson. The study committee has been charged with providing a biblical and theological framework regarding religious persecution and religious Liberty. Additionally, they will be proposing ways to empower the church to walk alongside and intercede on behalf of individuals and groups who are subject to religious persecution or denied religious liberty in both global and local contexts.

The study group will conduct research, discuss issues and complete a formal report to be delivered to the annual meeting of the CRCNA Synod in 2016. Over the course of the past year, the nine members have met several times to discuss issues and share their findings and research about religious persecution and religious liberty. Den Dulk anticipates that the committee will continue to meet several times each year to prepare their report, with individual members conducting research between group sessions.

"It is remarkable how rarely North American churches talk about their proper response to persecution, even when they have workers in dangerous placements," says den Dulk. "It's heartening to see the CRCNA taking some clear steps to fill that void." ~

See related articles on pages 1 and 9

Serving the Claims of Justice: The Thoughts of Paul B. Henry



Paul B. Henry was a scholar and political leader, known for his conviction, credibility, and courage. His academic and political careers were characterized by a constant search for justice, providing powerful evidence that politicians can be principled and effective.

This volume celebrates the life and work of Paul Henry, combining selected writings of Henry with commentary by those who knew him well. ~

Available from the Calvin College
Campus Store: <http://store.calvin.edu/>

Henry Institute Research Fellows Active



Todd Huizinga

Presentations:

- Participant on "Ukraine: The Last Frontier in the Cold War?" panel, sponsored by Calvin College Political Science Dept. in March, 2014
- Interviewed on *Newsmakers* (Grand Rapids public television station) on situation in the Ukraine in March, 2014
- Participant on North Korea panel to discuss current issues, sponsored by Calvin College Political Science Dept. in April, 2013
- Interviewed on *Newsmakers* (Grand Rapids public television station) on Korea in June, 2013

Additional Activity:

- Convened major North Atlantic Christian parliamentary conference as part of Transatlantic Christian Council in Brussels, Belgium in December, 2013 ~

Publications:

- *Pluralism and Freedom: Faith-Based Organizations in a Democratic Society* (originally publ. 2012) re-released in paperback. Rowman & Littlefield

• "State Financial Support for Religious Schools: Issues and Models," in *Commitment, Character, and Citizenship* (Hanan A. Alexander and Ayman K. Agbaria, eds.) New York: Routledge

• "Finding Common Ground in the Culture War," *Capital Commentary*, November 22, 2013

• "The Devil's in the Details (Literally)," *Capital Commentary*, Feb. 14, 2014

• "The Supreme Court and Race in America," *Capital Commentary*, May 2, 2014

• "Faith-Based Interventions for At-Risk Latino Youths: A Study of Outcomes," *Politics and Religion* 6 (2013): 317-41

• Forthcoming book on religious freedom for faith-based organizations, to be published by Baker Publishing in 2015 (co-authored with Stanley Carlson-Thies).

Additional Activity:

• Participant at *Roundtable on Capital Punishment* sponsored by Washington D.C.-based Constitution Project ~



Steve Monsma

Publications:

• "Right vs. Left: Which Side is God On?" in *Coffee Shop Conversations: Evangelical Perspectives on Current Issues* (Russell Meek and N. Blake Hearson, eds.) Eugene, OR: Wipf and Stock.

• "Faith-Based Interventions for At-Risk Latino Youths: A Study of Outcomes," *Politics and Religion* 6 (2013): 317-41.

• Continued work on forthcoming book about clergy and American politics

Presentations:

- Taught Calvin Academy of Lifelong Learning class on *American Evangelicals Today* in Fall, 2013
- Gordon College convocation speaker on Christian scholars and the academy in November, 2013
- "Joys, Benefits, and Challenges of Collaborative Research" presentation at annual meeting of Society for the Scientific Study of Religion in Nov., 2013
- "The Continuing Distinctive Role of the Bible in American Lives" opening presentation at conference on *The Bible in American Life* organized by Center for the Study of Religion and American Culture in August, 2014.

Additional activity:

- Nominated as President-Elect of the Society for the Scientific Study of Religion, the largest social scientific scholarly association devoted to the study of religion ~

Publications:

- "Remaking the Civic Space: The Rise of Unregistered Protestantism and Civic Engagement in Urban China," in *Christianity in Chinese Public Life: Religion, Society and the Rule of Law* (Joel Carpenter and Kevin R. den Dulk, eds.) New York: Palgrave Macmillan
- "To Open or Not, That is the Question: A Comparison of Organizational Openness among Unofficial Churches in Shanghai and Chengdu." Forthcoming in *Review of Religion in Chinese Society*
- "Saints, Space and the State: A Spatial Dilemma of China's State-Church Relationship in a Post-Communist Era," submitted for journal review
- Book proposal on unofficial Protestantism in transitional China between 1978 and 2012 submitted to publisher ~



Li (Mary) Ma

Publications:

- "Right vs. Left: Which Side is God On?" in *Coffee Shop Conversations: Evangelical Perspectives on Current Issues* (Russell Meek and N. Blake Hearson, eds.) Eugene, OR: Wipf and Stock.
 - "Faith-Based Interventions for At-Risk Latino Youths: A Study of Outcomes," *Politics and Religion* 6 (2013): 317-41.
 - Continued work on forthcoming book about clergy and American politics
- Presentations:**
- Taught Calvin Academy of Lifelong Learning class on *American Evangelicals Today* in Fall, 2013
 - Gordon College convocation speaker on Christian scholars and the academy in November, 2013
 - "Joys, Benefits, and Challenges of Collaborative Research" presentation at annual meeting of Society for the Scientific Study of Religion in Nov., 2013
 - "The Continuing Distinctive Role of the Bible in American Lives" opening presentation at conference on *The Bible in American Life* organized by Center for the Study of Religion and American Culture in August, 2014.

Additional activity:

- Nominated as President-Elect of the Society for the Scientific Study of Religion, the largest social scientific scholarly association devoted to the study of religion ~



Corwin Smidt

Paul B. Henry Internship Semester in Washington D.C.

The annual Henry Institute Semester in Washington D.C. Program started at Calvin College in the spring of 2000, and has included more than 275 students living and working in the nation's capital in the years since then. One of only three of Calvin's Off Campus Programs located in the United States (the others are in New Mexico and in Chicago, through the Chicago Semester Program), the Semester in Washington continues to draw students from many different major fields of study each year to complete internships during the spring.

Prior to 2000, Calvin participated with the Coalition of Christian Colleges and Universities' semester-long American Studies Program (ASP) for a number of years. The ASP program emphasized academic work through class sessions more heavily than internship experiences, and also restricted participation to only highly academically successful students—in addition to having a limited size

that did not always accommodate the number of Calvin students wishing to participate. So in response to student input, Calvin established the Henry Semester in Washington D.C. in 2000.

The Henry Institute and Calvin's Political Science department put additional focus on better preparing students for employment through internships and experiential goals. Additional emphasis was placed on work-related abilities such as research, teamwork and interpersonal skills, as well as on fulfilling the mandate of the Institute to train a new generation of public servants involved in the interplay of Christianity and politics. The change also allowed Calvin to offer the Washington Semester to a larger number of interested Calvin students.

During the early years of the Henry Semester in Washington D.C., Calvin

initially teamed with the Institute for Experiential Learning, which located two or three internship options from which a student could choose, as well as providing intern housing, guest lectures, and space for a Calvin professor accompanying the group to teach classes and live in the housing complex. In 2002, the Semester changed to a coordinated program with the Washington Center for 2 years, but in 2004, due to the increasing costs assessed by the Center,



Presidents' Day Celebration

and securing internships. Carolyn Davids and Jennifer Wybenga served as internship coordinators on site in Washington D.C., finding internship placements for the enrolled students.

In 2006, Ellen Hekman assumed the role of Program Coordinator, and the program started on a somewhat different track. Hekman works on Calvin's campus, and spends the fall semester of each year teaching students how to prepare resumes and cover letters, interviewing skills, and tactics for obtaining a job. Students identify places in Washington D.C. that meet with their individual career goals, and apply for positions, following the entire process through to the goal of obtaining an internship position on their own, instead of having someone else secure the placement on their behalf.

"Two of the most valuable components that I see in this specific off campus program are that it really trains students in the skills needed to secure a job after graduation and gives them valuable experience and references for future job searches," noted Hekman. "Many of the program participants struggle with making their resume and cover letter 'job worthy.' I help them identify valuable skills and talents with-

in previous work positions or individual personality traits and personal experiences that they hadn't considered before. I love seeing them get to the point of landing an

internship position that really gives them a taste of the working world and their chosen profession!"

Each year, a Calvin College professor accompanies the group to Washington. In 2014, husband and wife team of Lisa

"I feel so blessed that I have had the opportunity to work at UNRWA-USA ... This semester is so much more than I could have ever imagined!"

Corrin Timmer



Touring the Library of Congress

Calvin began its own free-standing program, hiring the first of several Calvin alumni to assist with program coordination



Corrin Timmer and Ben Podnar (both, center) at UNRWA flash mob in New York City protesting on behalf of refugees in Syria

VanArragon (Art and Art History) and Christopher Smit (Communication Arts and Sciences) were the directors. In addition to leading the site visits that constitute the basis for the *Integrating Faith and Public Life* class (one of two courses the students take during the semester, in addition to their internship work), the professors also led a second class entitled *Art, Politics and*



At the Capitol



At the Kennedy Center for Performing Arts

secretarial school in the Mount Vernon Triangle neighborhood. The three-story house includes ten bedrooms, eight baths, and shared dining, kitchen and living room space. The students loved living in the midst of the city and appreciated the bonds they developed as housemates, sharing the experiences of the semester and their internship work.

A number of the students hoped to



Visiting Monticello

continued on following page
Spectacle in the Nation's Capital.

"Seeing our Calvin students flourish in Washington D.C. was very gratifying," according to Smit. "This semester gave them an opportunity to think critically about public service, politics, faith, and the ongoing adventure of learning. Only Washington D.C., with its



Ryan Struyk's internship with ABC News brought him to the White House briefing room

"...the D.C. Semester was the highlight of my Calvin tenure!"
Ryan Struyk

remain in Washington D.C. after the program ended in May, and a record number of participants had job offers at the close of the semester. Of the fifteen graduating seniors, eight students were returning to work in Washington D.C. either for the summer or longer term, another five participants had secured jobs around the U.S., and one was continuing on to graduate school. ~

varied public institutions, can offer students an opportunity to interrogate and participate so dynamically in the act of civic duty."

The seventeen students in the 2014 spring program lived together for 13 weeks in Washington D.C. They formed a close-knit community, residing in the heart of the city and experiencing the sights and sounds of the nation's capital while working four days each week at their internship sites. The renovated mansion they called "home" was originally built at the turn of the century as a

Working with Calvin and placing interns at our organization has certainly been a delightful experience! Please keep us in mind in the future.
Center for Public Justice



The group at Greystone House

2014 Calvin College Student Participants

- Grace Aylmer**
Senator Debbie Stabenow
- Rok Dam Beak**
US – Asia Institute
- Katie Carroll**
Back on My Feet
- Kelsey Dracht**
Thrive D.C.
- Jonathan Eigege**
D.C. Mayor's Office on African Affairs
- Mark Greidanus**
Securities and Exchange Commission
- Grace Gunawan**
Elevate!
- Priscilla Lin**
Center for International Policy
- Melissa Lubbers**
Center for Public Justice
- Cara Overweg**
Congressman Bill Huizenga
- Ben Podnar**
Amnesty International
- Janna Strodman**
Columbia Heights/Shaw Family Support Collaborative
- Ryan Struyk**
ABC News
- Christopher Thyberg**
Community Family Life Services
- Corrin Timmer**
United Nations Relief and Works Agency for Palestinian Refugees-USA
- Tina Ureña**
D.C. Rape Crisis Center
- Ben Wood**
Congressman Jim McGovern

Student Research Assistants Work with Institute Director



Jenny Lamb and Joshua Nederhood, two first year honors students with majors in Political Science and International Relations, respectively, served as research assistants with the Henry Institute during the spring semester. Their primary role was to gather and analyze important information about the role of North American denominations in addressing



religious persecution and religious liberty around the globe.

“There has been very little research on how domestic churches engage this crucial issue,” notes Henry Institute Director Kevin den Dulk. “Joshua and Jenny did some excellent sleuthing to fill this gap, and they uncovered a lot of interesting patterns.” Their research into the largest denominations in the United

States, as well as smaller denominations such as the Christian Reformed Church, suggests that even when churches speak out on these issues, they do little more to address them. Few denominations have offices, staff, liturgical or prayer guides, or other resources to counter persecution or threats to religious freedom.

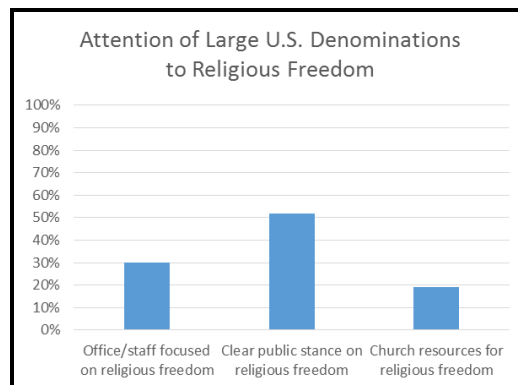
“I have been privileged to work with some amazing people in the course of the semester,” noted Joshua Nederhood. “I’ve enjoyed the responsibilities, with even the tedious tasks yielding some information useful for the study. The challenge of discerning which information to discuss with colleagues honed my critical thinking skills to better draw connections between raw data and possible solutions for a global problem.”

Both students are looking forward to continuing their work on the project when they return to Calvin in the fall, with further investigation into why

patterns exist and what might be done about the problems of involvement and engagement.

“This project reminded me how big and complicated issues like persecution are,” said Jenny Lamb, “and that there are no simple solutions. But a group of dedicated individuals coming together can make positive change and progress possible.” ~

See related article on page 1



New Grant from Bradley Foundation for School Choice Study

In early 2014, the Henry Institute received a \$20,000 grant from the Lynde and Harry Bradley Foundation to fund a new research project: “School Choice Policy and Private School Enrollment.” The 18-month study will focus on the effects of education policy on non-public schools to determine how various policies intended to expand school choice (vouchers, charters and tuition tax credits, for example) have impacted private school enrollments. The project will analyze data and offer information across multiple states and time periods, and begin to assess the implications of these policies on Protestant and Catholic schools.

Henry Institute director Kevin R. den Dulk leads the research project, with co-investigators Steven McMullen (Economics, Hope College) serving as lead economic analyst, and Mikael Pelz (Political Science, Calvin College) as lead policy analyst. Henry Institute Research Fellow Steve Monsma will consult on the policy assessments, and a number of Calvin College students will serve as research assistants over the course of the grant (see related article on page 9).

According to Henry Institute Director Kevin den Dulk, private schools are vital to how education is structured in the United States during a child’s formative years. Aggregate enrollment numbers speak to the continued

commitment of parents, houses of worship, and neighborhoods to non-public educational options, with approximately ten percent of all elementary and secondary students attending private schools, most of which have a religious identity.

But raw statistics do not tell the full story about the profound implication of private education for civil society and the economy in the U.S. Perhaps the most obvious policy effect is the trivial educational costs incurred by states for privately educated students, saving millions in public funding every year. Other effects are more challenging to measure, but no less important.

National Center for Education Statistics from 2002 show that students at private schools generally score higher than public counterparts in assessments of student learning. By themselves, those scores are not evidence of higher quality schools, because private schools might simply have students who are better prepared before they set foot in school. However, there is substantial evidence that alternatives to public schools tend to strengthen achievement for urban blacks and other underprivileged groups (Neal 1998, 2009; Figlio and Stone 2012), and the latest empirical research suggests that faith-based schools often surpass their secular counterparts at preparing students for active democratic citizenship (Hill and den Dulk 2013; Pennings et al. 2011; Pennings et al. 2012).

“It is no wonder then that many scholars, education professionals, and policy-makers have sought ways to integrate alternatives to traditional public schools into the educational environment,” noted den Dulk. “The most ambitious efforts in this regard are a cluster of policy innovations that are often labeled collectively as ‘school choice.’ For the research study purposes, school choice will be broadly defined to encompass any policy that enables parents to choose educational options for their children as an alternative to direct assignment by the state. Some of the most prominent of these innovations have included the expansion of public charter schools, public educational tuition grants or ‘vouchers,’ and tuition tax credits.”

The research project is not designed to add to the growing literature that assesses student achievement or parental satisfaction as a result of these various programs. Rather, it is geared toward understanding an even more fundamental, yet less understood, potential effect of these choice-oriented programs on parental choice itself, specifically, to examine how these programs affect enrollment at private schools—and, by extension, the viability of a robust private educational market in the United States.

“We know relatively little about the comprehensive effects of choice policies on enrollments,” continued den Dulk. “Currently published studies say little about the relative effects of school choice

continued on page 9

School Choice Policy Grant (continued from page 8)

across all states, across various combinations of choice-based policy, or across different levels of religiosity. Studies of the enrollment effects of vouchers and other choice policies suffer from similar limitations. Whatever their drawbacks, however, these studies generally *do* suggest that choice policies are likely affecting private school enrollment.”

Such potential effects on private school enrollment should matter to anyone concerned about educational delivery in the United States, but particularly to those who see choice policies as an important development in shaping educational achievement and expanding parental freedom (including religious freedom). On the one hand, to the extent choice-based policies buttress private school enrollment, they stabilize and even increase the alternatives available to parents of private school children.

On the other hand, the very policies designed to increase choice may reduce

the viable options available to parents (for example, public charters drawing students from traditional faith-based schools, causing the latter to fold). It is likely that the effects are much more complex than this either/or, but that is an open empirical question which scholars still have not fully answered.

The research project is designed to address these critical issues about school choice and private education to fill in gaps in public understanding about the enrollment effects of choice policy and to encourage interest in the surrounding issues among public leaders and ordinary citizens. The examination of public policy in this area has profound implications for the future of private education, particularly religious education, within American society, and it is hoped that the study will result not simply in a body of facts and figures, but that it will also inform how policy that nurtures human freedom in education ought to be crafted. ~

Citations

- Figlio, David N. and Joe A. Stone. 2012. “Are private schools really better?” *Research in Labor Economics* 35:219-44.
- Hill, Jonathan and Kevin R. den Dulk. 2013. “Religion, Volunteering, and Educational Setting: The Effect of Youth Schooling Type on Civic Education.” *Journal for the Scientific Study of Religion* 52:179-97.
- Neal, Derek. 1998. “What Have We Learned about the Benefits of Private Schooling?” *Economic Policy Review*:79-86.
- Pennings, Ray, John Seel, Deani A. Van Pelt, David Sikkink, and Kathryn L. Wiens. 2011. *Do the Motivations for Private Religious Catholic and Protestant Schooling in North America Align with Graduate Outcomes?* Hamilton, ON: Cardus.
- Pennings, Ray, David Sikkink, Deani A. Van Pelt, Harro Van Brummelen, and Amy von Heeyking. 2012. *A Cardus Education Survey: A Rising Tide Lifts All Boats*. Hamilton, ON: Cardus.

Institute Funds Grants for Faculty-Student Research

In 1998, through a grant from the McGregor Fund in Detroit, Calvin College established a program of student fellowships for summer research with faculty in the arts, humanities, and social sciences. The resulting McGregor Fellowship program has continued for the past sixteen years, even though the initial money from the Fund was long ago depleted, as private donors have continued to fund collaborative student-faculty research.

The Henry Institute is a significant source of support for 2014 McGregor Fellowship projects. Using proceeds from a grant given by Ronald and Ann Kunnen, and another from the Lynde and Harry Bradley Foundation, a portion of four research projects are relying on Henry Institute funding.

Dr. Kristin Du Mez (History Department) is working with Alicia Smit, a senior Political Science and Philosophy major, to explore the extent to which Hillary Clinton’s religious background and commitments may have formed a basis for her foreign policy views and practices. Du Mez intends to explore Clinton’s religious faith during early periods of her life, particularly high school and college. “By taking seriously Clinton’s early religious faith and by refusing to compartmentalize faith in the ‘private’ realm, this research is both innovative and timely,” noted Du Mez. “With speculation rampant that the former

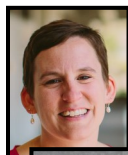
Secretary of State will be running for President in 2016, this is a topic of current interest, and the assistance of a McGregor scholar will be essential in bringing the project to timely completion.”

Dr. Becca McBride (Political Science Department) is collaborating with Ian Graham (senior in Political Science) to investigate adoption as a global, interconnected phenomenon. Graham will work with McBride to complete research and write two commentaries for the Center for Public Justice’s *Capital Commentary* or *Shared Justice* publications. The work will further be used in scholarly articles and books on intercountry adoption and the flow of adopted children across borders. “As Christians, we should care about... protecting children without parental care,” notes McBride. “My research investigates how adoption has become a global, interconnected phenomenon through states learning... that [adoption] can provide a solution to a domestic child welfare crisis ... and it is a solution they can easily initiate.” McBride plans to provide opportunities for Ian to publicly present his research and contributions in class, conference, and community settings, as well as acknowledging him as a coauthor and research assistant in written publications.

Two students using advanced technical skills to play key roles in data-coding and cartographic

design are part of the research being conducted by Dr. Kevin den Dulk (Henry Institute and Calvin Political Science Department), Steve McMullen (Hope College Economics) and Mikael Pelz (Calvin Political Science). Carolyn Vos (a senior majoring in Psychology and English-Linguistics) and Michael Bloem (senior level Economics major and Math minor) are spending the summer pursuing the early investigative work involved in a larger grant-funded project exploring school choice policy and private school enrollment. (See related Bradley Foundation Grant article on prior page.)

“The overall study will be focused on the effects of education policy on non-public schools,” explained den Dulk. “We hope to determine how various policies intended to expand school choice have impacted private school enrollments across states and over time. An important first step in our research is to record and quantify data that will be used as we continue our research, and our two McGregor scholars this summer are a critical part of that initial task.” ~



Joshua DuBois Delivers Annual Paul Henry Lecture

On April 28, an audience of more than 250 individuals filled the Covenant Fine Arts Center Recital Hall and overflowed to a classroom for the eighteenth annual Paul B. Henry lecture. The invited speaker was Joshua DuBois, bestselling author of the recently released book entitled *The President's Devotional*.

DuBois spoke on *Approaching the Ledge: Why We Must Risk our Faith in Order to Save It*. He began by sharing stories about three people who were “at the ledge” and had nothing to rely on aside from their faith: Elijah at Mt. Carmel in I Kings 18, Martin Luther King Jr., and his own mother. “In this increasingly hurting society, people don’t just need social justice; they need an intimate relationship with God,” DuBois noted. “If there’s a knowing problem from my time in the White House, it’s that far too many people of faith have strived to make God so small. There’s nothing wrong with the small requests, but they are frequently objectively self-centered.

“What if we made a habit of walking right up to the ledge, putting our lives on the line and demanding that God reveal himself to us? What if we did that with issues like racism or gay marriage? What if we did that with whatever it is in our lives that needs a major intervention? What if we committed ourselves to bridging the ideas that divide us?”

DuBois challenged the audience to examine what it means to act and walk in a life of faith. His career in public service



and heartfelt Christian commitment fit well with the intent of the annual Paul B. Henry Lecture, which brings a prominent Christian political practitioner to Calvin to speak about the interplay of religion and politics. The Institute hopes the annual lecture will inspire the college and the community to actively seek to integrate a Christian worldview with practical politics. Over the past eighteen years, the lecture has featured individuals from both political parties, speakers from liberal and conservative viewpoints, scholars who have examined current political issues and questions, and prominent leaders of non-profit organizations actively working in the public policy arena.

“This lecture is a way to remember Paul Henry,” noted Institute Director Kevin den Dulk, “who had a clear eye and a heart for justice. We seek speakers for this lecture who continue Henry’s legacy of dedicated public service that integrates their faith and commitment. Joshua’s

allegiance to faith and dedication to serving in public office made him an excellent choice.”

The youngest-ever head of a White House department when serving as President Obama’s Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, DuBois has become a top leader, speaker and writer on religion in the public square, race, and grassroots community development. Called President Obama’s “Pastor-in-Chief” by *TIME* magazine, he headed President Obama’s outreach to religious organizations as well as the President’s commitment to fathering, mentoring, community support, and anti-poverty strategies. DuBois helped President Obama navigate difficult issues at the intersection of religion and politics: race in America, cultural and religious freedom, and the need for reconciliation between countries and individuals.

DuBois is the religion and values columnist for the *Daily Beast*, and is also the co-founder and CEO of Values Partnerships, a consulting firm that helps the public, private, and nonprofit sectors come together in faith-based partnerships to solve humanitarian challenges. He has written several *Newsweek* cover stories, including the acclaimed article, “The Fight for Black Men.” His work has been profiled in the *New York Times*, the *Washington Post*, ABC News, PBS and on CNN. ~

For an interview with DuBois on “A Christian Calling to Public Service,” go to <http://vimeo.com/93398523>

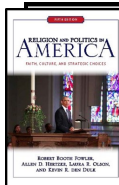
Citizen Education and the Christian School

Henry Institute director Kevin R. den Dulk recently published an article by this title in *CSE*, the Association of Christian Schools International magazine. Examining the lack of “civic proficiency” among U.S. high school students, den Dulk explores obstacles facing young people in joining fully in civic life. He reports on recent research work demonstrating that civic knowledge, engagement and volunteering in adults is significantly higher for individuals who attended Protestant and Catholic high schools, and argues that Christian schools *should* place a strong emphasis on civic education.

“Political thinkers often point out that democracies are only as good as their citizens,” notes den Dulk. “The reasoning is straightforward: Democracy is rule by, for, and of the ‘people.’ Healthy democracies, therefore, require that the people be prepared to rule. But while this claim in the abstract is almost a truism, the actual

work of fostering democratic citizenship is complex and painstaking, and the returns on investment are often unclear. We observe this especially in countries experiencing transition from authoritarianism to democracy, where ordinary people are confronted for the first time with both the privileges *and* daunting responsibilities of self-determined rule. The recent struggles to democratize throughout the Middle East, East Asia, and Africa illustrate the point. But even the relatively stable democracies of the North Atlantic face persistent strains and tensions within civic life. Across Europe and North America, many social observers worry that the citizen norms and dispositions that have long supported established democracies are either steadily eroding or already severely diminished.” ~

To read the remainder of the article, go to <http://pubs.royle.com/article/Citizen+Education+and+the+Christian+School/1605983/191574/article.html>



Religion and politics are never far from the headlines, but their relationship remains complex and often confusing. *Religion and Politics in America*, (co-authored by Henry Institute Director Kevin den Dulk) provides historical, cultural, and legal frameworks that underlie religious political engagement, while also highlighting pragmatic and strategic political realities faced by religious organizations and citizens.

The politics of various conventional and not-so-conventional American religious movements are assessed, and important subjects concerning the relationship between religion and gender, race/ethnicity and class are addressed. A discussion of the 2012 election, including Mitt Romney’s candidacy and Mormonism and a fuller assessment of the role of religion in President Obama’s first term of office are included. The book provides readers with a real understanding of how religion and politics relate in practice.

Available from Westview Press

Dr. Timothy Steigenga, Chair of Social Sciences and Humanities at Wilkes Honors College at Florida Atlantic University, talked about his recent book *Against the Tide* and its applicability to communities across the country where issues surrounding immigration and day labor are at the forefront. His October 18, 2013 lecture focused on a discussion of the fears surrounding immigration as well as the solutions which brought community, integration and reconciliation in the town of Jupiter, Florida.



Most of the areas experiencing hyper immigration growth in the 2000's have been small towns, or suburbs of larger towns, located in the Midwest and south, according to Steigenga. The incoming migrants are primarily Hispanic. Jupiter, Florida was one of those locations, and with the sudden influx and accompanying changes, people were afraid. The predictable pattern of anxiety, action and reaction may play out differently in communities around the country, but the fear (whether real or imagined) must be dealt with by local policy makers.

The current U.S. population is about 300 million—just over 40 million are immigrants, and about 11 to 12 million of those are unauthorized, making about 3 percent of the total U.S. population unauthorized. In response, the U.S. has built fences, hired border agents, spent money, and incarcerated and deported massive numbers of people. Steigenga remarked that none of these responses has decreased the number of unauthorized workers in the U.S. “The bottom line is that the debate about national immigration policy and immigration reform is stuck. The issue gets punted down the road over and over again.”

According to Steigenga, immigration is a difficult and complicated political issue with issues which fall to local communities to address on a day-to-day basis. Local government, local business, local service organizations, local churches and schools—all are faced with the daily reality of immigration.

Noting that the most visible sign of new immigration in a town is the appearance of day labor with large gatherings of men on the street looking for work, Steigenga asserts that this becomes the locus of community conflict and triggers fears of immigrants overusing social services,

taking jobs, driving down wages, bringing crime, changing American culture or even threatening national security. Whether the

fears are myths or are real doesn't matter—local policy makers must deal with the concerns.

Many towns across the U.S. have taken a restrictionist route, passing local ordinances which are at best problematic and at worst unconstitutional. This route is very costly—financially as they are forced to defend the ordinances in court—but also in terms of fueling both the fear of native born members

of the community and feelings of rejection by the immigrants, thus dividing the population and moving everyone further from the American way of life.

Steigenga reported that when immigration first came to Jupiter, the town was primarily homogeneously white, with a small African American population. Primarily Guatemalan immigrants moved into the town, and an open air day labor market formed on the streets. Long-time residents of the neighborhood where the men gathered began to complain about the large numbers of people standing around, heavier road traffic as trucks and contractors came to obtain day labor, trash being left on the streets, and health and safety issues arising. When the

citizens went to the town council with their concerns, some large national anti-immigration groups entered the discussion and began to actively turn the conversations from local issues such as health and safety problems to overall immigration policy battles. The local government officials, however, asserted that immigration law was a federal issue over which they had no control, and tensions gradually continued to worsen.

A coalition was formed that included the Catholic Church, a non-profit organization called Corn Maya Inc., the Honors College of Florida Atlantic University, and Catholic charities. These groups proposed opening a labor center to deal with the local health and safety issues, and to provide a place where people could come for work and contractors could hire laborers. The facility was also envisioned to provide education (especially English language classes), information and training for workers about local day-to-day and civic life issues, and to address

immigrants' concerns about criminal exploitation and wage theft by unscrupulous employers.

After 5 years of groundwork to build trust among immigrants, demonstrate that the coalition could finance the center without government subsidies, and convincing employers that they would be able to find better workers with more training and improved English language skills, El Sol Neighborhood Resource Center opened in 2006. The Center has successfully operated for seven years, with a \$400,000 annual budget derived solely from private donations and grants. The city rents a building (which they had previously planned to tear down) to the Center for \$1 annually. El Sol organizes day labor and offers social service and educational programs, with a mission of improving the quality of life for everyone in the community; in 2012, it was estimated that El Sol annually provided the equivalent of about \$1.3 billion in services, wages, spending and other financial benefits back to the Jupiter community.

The Center is open all week at 7:00 a.m., with 100 to 200 immigrants coming daily. Workers and employers register each day and while they are waiting for work, the immigrants are involved in ESL classes, computer training, job training, public service projects, and becoming integrated members of the Jupiter community.

“Jupiter's experience with El Sol shows the plausibility of practical, local solutions

“El Sol brings immigrants and native born together in a space that wasn't available before. We have hundreds of volunteers who come in to work and many of their lives have changed. It's not the facts that change ideas about immigration, it's the people.”

that address real problems effectively, reduce fear and alienation in the community, and open an avenue for the two way process of integration,” according to Steigenga. “El Sol is a logical answer to many of the real tensions that are raised by new immigrants coming...the tensions can be reduced if you make them manageable local tensions. Local government can't fix national immigration policy; but they can fix what is going on down on Center Street in town.

“The process of reducing fear and bridging differences takes place in two directions. As immigrants feel more welcome, they make personal connections and you get the whole community moving forward in a new direction.” ~

The full recording of this lecture can be found as part of the entry for the October 18, 2013 event at www.calvin.edu/henry/on_the_News_and_Events/ Schedule of Events page

On April 2, 2014, Steven van Stempvoort delivered an engaging lecture at Calvin College regarding 4th Amendment privacy rights in the face of modern communications technology and advancement.

A Calvin graduate with a law degree from William and Mary (2010), van Stempvoort is currently a law clerk for Judge Richard A. Griffin of the Sixth Circuit U.S. Court of Appeals. He discussed what may be one of the most defining civil rights issues of our era, noting that the law is not keeping pace with rapid and ongoing technological change in our society.

The 4th Amendment was originally adopted in the face of British use of “general warrants” which allowed officials to rifle through the belongings of the colonists. The new Amendment asserted protection from “unreasonable searches and seizures” (italics added), requiring a warrant issued after law enforcement showed probable cause for the search. The issue of unreasonable search and the need for warrants continues to this day.

The extensive information that cell phones collect about users, noted van Stempvoort, makes it a storage site for calls, email, financial transactions, geographic information, schedules and calendars, contact lists, and even fingerprint records in some cases. Records of calls, the length of conversations, and actual physical location are being made constantly by phone service providers.

Location data is tracked through three different resources (cell phone tower sites, wifi hotspot locations, and GPS), providing extremely accurate records of travel and real-time location. With growing frequency, the government is accessing this information.

The Sixth Circuit U.S. Court of Appeals (covering Michigan, Ohio, Kentucky and Tennessee) is the only regional court ruling on whether law enforcement can compel a phone service company to remotely activate GPS services on a phone and then provide location data to the government (*USA v. Skinner*). In that case, the court not only gave law enforcement access to location records (with only a subpoena asserting that the information *may be* relevant to an ongoing investigation), but also allowed them to direct phone companies to remotely turn on location tracking for an individual’s cell phone, allowing the collection of data without the knowledge of the owner.

Over time, the courts have considered what constitutes “unreasonable” searches and seizures, as well as what searches need a warrant (requiring reasonable belief that a crime has been committed). Several

exceptions have developed. The first allows police to search and seize any items within reach when they have probable cause for arrest. A recent Supreme Court case (*Riley v. California*) challenged the data search of a cell phone found in the pocket of an arrested individual which contained incriminating photos.

[Since the lecture, the Supreme Court has ruled that law enforcement may not search cell phones without a warrant].

Court decisions look at prior precedents and case rulings to establish reasoning, explained van Stempvoort. In instances involving cell phones, the courts are trying to determine what a cell phone is *like* in order to assess applicability of prior cases. “But there is little similarity between a cell phone and a briefcase or diary—or any analog analogy,” he noted.

“Plain View Doctrine” asserts that if something illegal is displayed in plain site, then law enforcement seizure is not a search, and no warrant or probable cause is required. This doctrine has been extended to communication such as the contents of a sealed letter: while the envelope address is in plain view, the contents of the letter are not, and there is a *reasonable expectation of privacy* (an essential test for 4th Amendment protection) for the sealed contents. This raises questions about the content of email or telephone conversations, noted van Stempvoort, and how the Electronic Communications Privacy Act (1986) would apply to these conversations.

The plain view doctrine and its application to telephone records was challenged in *Smith v. Maryland*, when a purse snatcher anonymously harassed his victim by phone. The accused argued that since the calls were made from his home, he could reasonably expect privacy. The court ruled that using the phone constituted voluntarily conveying numerical call information to the phone company in the course of business, thus “mediating” the information through a third party and exposing it to public view—negating the privacy right.

The NSA/metadata controversy of the past year circles around this concept of mediating through a third party. Is electronic information that is mediated through a third party protected by 4th Amendment privacy rights? No court has considered the privacy rights connected with the content of phone calls because the Electronic Communications Privacy Act

provides a standard for judging this issue. However, with constantly evolving technology, the issue continues to arise.

The location data discussed early in the lecture frequently gives the government the ability to cement a case. According to van Stempvoort, the assertion that the NSA/metadata collection only includes location, not content of calls, may be a false distinction. Aggregate accurate location data allows identification of individuals if sufficient computing power analyzes the information. As an example, he noted that with information about locations of classrooms, professor’s offices, doctors’ offices,



retail establishments, companies and churches visited regularly, it could be discerned quiet accurately what a student’s major was, if she had health issues, what religious affiliation he belonged to, where she worked, types of items he purchased, and much more. Location data gives extensive information about an individual.

“Why should you care?” asked van Stempvoort. “If you aren’t doing anything wrong, why do any of these data collection or privacy rights questions matter?” He answered that the 4th Amendment was not adopted to protect criminals, but to protect citizens. Privacy is not about secrecy, but about intimacy and the ability to have portions of life out of the eye of the public. Additionally, the individual does not have control over what is designated as a “crime”—activities that one has engaged in may already be considered illegal activities under the law, such as selling certain items at a garage sale. Further, van Stempvoort noted, allowing the government to control such extensive information cedes massive power and control to the state, and should lead to questions about the acceptable relationship or position of an innocent citizen with regard to the government.

“Whatever one wants to say about how the 4th Amendment currently operates,” says van Stempvoort, “there is something to be said for the fact that knowledge acquisition has a cost. There is a cost to the fact that government is able to amass all this information, and while at times there is something to be said for being willing to close our eyes, we should seriously assess when that should be done. In the current NSA/metadata question, national security would certainly be more robust if the government knew what everyone was doing all the time...but there may be a cost to that. The question comes down to whether some ground should be outside that knowledge—and how that privacy should be preserved.” ~

“Why should you care? If you aren’t doing anything wrong, why do any of these data collection or privacy rights questions matter?”