

# Associated Baptist Press

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## **Falwell endorses 'fundamentalist' seminaries owned by SBC**

By Mark Wingfield

LYNCHBURG, Va. (ABP) -- The Southern Baptist Convention now has six "fundamentalist" seminaries, according to Jerry Falwell.

Falwell, the lifelong independent Baptist who recently became a Southern Baptist, used the term as a compliment when endorsing the six SBC schools on the front page of the July issue of his National Liberty Journal newspaper.

Southern Baptist conservatives long have shunned the term "fundamentalist" to describe their movement, which fought from 1979 to 1991 to capture control of the SBC's leadership. But Baptist moderates, whom the conservatives call "liberals," have characterized their political opponents as fundamentalists.

Falwell's article, titled "Southern Baptist Convention Defies Prophets of Doom," gives a glowing endorsement of the SBC, its seminaries and agencies.

"All six SBC seminaries now have fundamentalist presidents and faculties," he wrote. "All its agencies now have fundamentalist leadership. The overwhelming majority of its pastors are Bible-believing men of God."

What has happened in the SBC since 1979 was not a takeover by conservatives but a "spiritual revolution," Falwell explained.

"I was taught by sincere and godly men during Bible college days, over 45 years ago, that a denomination which goes liberal can never be recovered theologically," he continued. "Most evangelicals in those days believed that apostasy could be remedied only by judgment. I preached that philosophy myself."

But changes in the SBC have proved otherwise, Falwell said.

In the article, Falwell explains to his newspaper audience that he and other members of Thomas Road Baptist Church in Lynchburg, Va., attended the recent SBC annual meeting as messengers for the first time. And he predicted that more independent Baptist churches will follow his lead and join the SBC.

"While Thomas Road Church continues its relationship with and support of Baptist Bible Fellowship missionaries and other independent Baptist missions, we have also officially thrown our enthusiastic support behind the historic and unprecedented conservative 'revolution' which has taken place within the SBC during the past 20 years. Many of our sister churches have done the same and many more will in the months and years to come."

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## **Seiple named senior adviser for global religious freedom**

By Larry Chesser

WASHINGTON (ABP) -- Robert Seiple, president of World Vision U.S. for the past 11 years, has been appointed senior adviser for international religious freedom at the U.S. State Department.

Seiple, formerly president of Eastern College and Eastern Baptist Theological Seminary in St. Davids, Pa., will lead State Department efforts to integrate policies that promote religious freedom into U.S. foreign policy.

His appointment was announced jointly by the White House and the Secretary of State Madeleine Albright.

Earlier this year Albright said the department would implement a recommendation of its Advisory Committee on Religious Freedom Abroad by naming a senior-level coordinator to ensure that efforts to promote religious liberty are integrated into broader foreign policy.

Announcing Seiple's appointment, Clinton said creation of the new position will "make sure that religious liberty-concerns get high and close attention in our foreign policy."

Clinton said Seiple brings to the new post "a genuinely unusual combination of deep personal faith, sweeping global perspective, the toughness and determination of a Marine Vietnam veteran, and an extraordinary capacity for leadership."

The appointment was announced June 18 as Clinton and Albright addressed a group of religious leaders and members of the State Department religious-freedom advisory panel.

Before his remarks, Clinton met with three religious leaders who traveled to China earlier this year to observe religious freedom conditions there. Reporting on their China trip were Don Argue, Washington liaison of the National Association of Evangelicals; Archbishop Theodore McCarrick, Roman Catholic Archbishop of Newark, N.J., and Rabbi Arthur Schneier, president of the Appeal of Conscience Foundation.

Clinton told the group of religious leaders that the visit "helped make the Chinese people aware of the fundamental importance of this issue, not simply to the American government, but to the American people."

Clinton said the insights from the religious leaders' trip to China would influence his own trip there in late June.

Clinton applauded the recent release from prison of two key Chinese religious leaders but also noted that Chinese Christians, Muslims and Buddhists are still imprisoned for religious activities.

"Therefore, when in China, I will speak as clearly as I can about human rights and religious freedom," he said. "Our message is clear: We in the United States believe that all governments everywhere should ensure fundamental rights, including the right of people to worship when and where they choose."

Clinton acknowledged a "difference of opinion" between the administration and some lawmakers in Congress about how to protect religious freedom abroad. The administration has refused to support pending bills it says would create a one-size-fits-all foreign policy and impose automatic sanctions against countries that engage in religious persecution.

He urged Congress to leave the administration as much flexibility as possible to do "what works" to advance religious liberty.

"America is not strengthened in fighting for religious liberty or in fighting against religious persecution by laws that are so rigid a president's hands are tied," he said.

Albright said that religious-liberty concerns have never "mattered more to our day-to-day diplomacy than they do now."

U.S. foreign policy officials "take into account the policies of other governments toward religious freedom when making judgments about whether to approve aid, whether to impose sanctions, whether to denounce and whether to praise," she said.

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## **Baptist leaders differ on dealing with religious persecution abroad**

By Kenny Byrd

WASHINGTON (ABP) -- Two Baptist leaders offered differing views on how American foreign policy should address international religious persecution in a U.S. Senate hearing June 17.

Two separate bills have emerged in Congress addressing religious persecution abroad. Both would ultimately lead to sanctions against countries found guilty of supporting religious persecution.

Lawmakers and religious groups disagree over whether sanctions should be used as a tool to curb religious persecution.

The Freedom From Religious Persecution Act, approved recently by the House, would establish an officer who could automatically impose economic and other sanctions against countries determined to be guilty of supporting persecution. The president would have limited ability to waive the sanctions. It is sponsored by Rep. Frank Wolf, R-Va., and Sen. Arlen Specter, R-Pa.

The International Religious Persecution Act is sponsored by Sens. Don Nickles, R-Okla., and Joseph Lieberman, D-Conn. It would establish a State Department office that could determine which countries are violators of religious persecution and could require that the president choose from a list of sanctions to impose on each nation.

Some religious leaders and lawmakers contend that sanctions could hurt the very people it seeks to protect, including U.S. missionaries in other countries.

Sen. Rod Grams, Minn., said sanctions in the Nickles-Liebermann bill could be counterproductive. "How could this club-over-the-head approach work?" he asked.

Richard Land, executive director of the Southern Baptist Ethics and Religious Liberty Commission, disagreed with Grams' "club-over-the-head" characterization. "It seems to me to be a well-stocked arsenal with numerous nuanced approaches," he told a Senate committee. Land's agency supports both religious-persecution bills.

"The worst thing we can do is nothing," Land said. "We expect our government to insist that nations who want to be in good relation with us cease and desist from persecuting Christians."

Another Baptist, Samford University's Bill O'Brien, on the other hand, said the Nickles bill is better than the Wolf-Specter measure but still should be considered a "work in progress."

O'Brien, director of the Birmingham, Ala., university's Global Center, said imposing sanctions against countries could produce unintended consequences detrimental to believers.

"Sanctions and discontinuance of aid, especially if done unilaterally, well may evoke a reaction from authoritarian regimes that is aimed at the persecuted," he said. "Christians and/or any other persecuted religious groups could bear the brunt of the anger of totalitarians or terrorists who react to what they perceive and experience as arrogance on the part of a lone-ranger super power."

"The whole issue of sanctions should be an absolute last-ditch approach, if used at all," O'Brien added.

He suggested that a final bill:

-- Mandate that new State Department officers engage in multilateral dialogue with religious and political leaders.

-- Choose sources for garnering information on religious persecution with care. "Cross-referencing of sources is important so as to reduce the potential for reports being crafted from either incomplete or biased data."

-- Include a sunset provision so the law will have to be renewed every year and unintended consequences of the bill can be addressed.

Land said he had spoken with Southern Baptist International Mission Board President Jerry Rankin. Land said Rankin agrees legislation is needed to curb religious persecution.

Land said such legislation should include:

-- Mandatory action subject to reasonable presidential waivers, which must be explained publicly to the American people.

-- Congressional review of the president's responses to the commission's reports and recommendations.

When asked by Senate Foreign Relations Chairman Jesse Helms, R-N.C., which of the two bills he preferred, Land said, "We want the best bill that can be gotten out of this Congress."

Also speaking at the hearing was John Akers, chairman of the board of East Gates Ministries International, a group which works openly with both the officially recognized and unofficial churches in the People's Republic of China. The group is headed by Nelson Graham, son of Baptist evangelist Billy Graham.

"In some societies, stringent and thoughtless measures by the United States could actually make the situation worse for believers rather than better," Akers said.

"As a church leader from one Asian country told me, 'If my government concludes we Christians are the cause of bad relations between our two countries, it will only make life more difficult for us.'"

"The old adage of Hippocrates applies here as well," Akers said, "first do thy patient no harm."

Helms said he would discuss the bill with Secretary of State Madeleine Albright. "I have talked to her in depth about this thing, and she has never misled me," Helms said.

Helms told a reporter that if the Senate does not have time to vote on the bill during this session of Congress, he will urge the leadership to make it the first priority next session.

During the hearing, Helms asked Land to use his new radio program to highlight the issue of religious persecution abroad and the legislation. "This story needs to be told," Helms said. Helms promised he would seek foundation money to fund the ERLC's efforts to publicize the issue.

The Clinton administration opposes both bills.

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## **State Department denounces religious-persecution bills**

By Ashlee Ross

WASHINGTON (ABP) -- A top U.S. State Department official reiterated the Clinton administration's opposition to two congressional proposals which would create an office to impose sanctions against countries engaged in religious persecution.

James Rubin, assistant secretary for public affairs, stated his opposition to both the International Religious Freedom Act, sponsored by Sens. Don Nickles, R-Okla., and Joseph Lieberman, D-Conn., and the Freedom From Religious Persecution Act, sponsored by Rep. Frank Wolf, R-Va., and Sen. Arlen Specter, R-Pa.

"We're against both of them," Rubin said. "The reason we're against them is because they try to set a rigid, formulated standard for what constitutes religious persecution and then place that goal of stopping that higher than any other goal in American foreign policy."

"There's no question that we will continue to pursue efforts to stop religious persecution where we can around the world, but to create another bill with another set of sanctions that will tie the president's hands again ... will simply not advance the cause to stop religious persecution," Rubin said.

Rubin made the comments June 15 at a kickoff for a two-day symposium with regional media at the State Department.

Rubin observed that "rigid, sledgehammer sanctions that feel good to pass in a vote often do bad when it comes time to implement them."

Secretary of State Madeleine Albright also addressed the group, discussing China's most-favored-nation status with the United States.

"The more that we're able to speak about the issues that we care about within China, the more we are able to pursue policy that is reflective of the American people," Albright said.

In an uncommon alliance, Christian conservatives have joined with human-rights activists to criticize the Clinton administration for its stand on China.

Albright also spoke out against those criticizing President Clinton's trip to China.

"I think to criticize the president one, for going, and two, for where he is received, is demeaning the whole issue in terms of the very large agenda that we have with a country that's the most populous country in the world," Albright said.

Although Sen. Jesse Helms, R-N.C., disagrees with Albright on several issues, he said he plans to discuss the religious persecution bills with her further.

"I have talked to her in depth about this thing, and she has never misled me," Helms said at a recent hearing on the Nickles-Lieberman bill. "When she's against something, she tells me. When I'm against something, I tell her."

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## **Clinton signs bill protecting tithes**

By Marie Biggs

WASHINGTON (ABP) -- President Clinton signed a bill into law June 19 protecting religious and charitable contributions given by people who later declare bankruptcy.

The Religious Liberty and Charitable Donation Protection Act is designed to protect tithes and other charitable donations from bankruptcy laws that have been used to confiscate donations by bankrupt donors.

"It is a great loss to all of our citizens for creditors to recoup their losses in bankruptcy cases from donations made in good faith by our citizens to their churches and charitable institutions," Clinton said in a statement released by the White House.

The congressional sponsors of the bill were Sen. Charles Grassley, R-Iowa, and Rep. Ron Packard, R-Calif.

The new law will protect tithes and other contributions of up to 15 percent of the debtor's annual income. The measure will also permit debtors in Chapter 13 bankruptcy to tithe during their repayment period.

"Congress and the president heard our message and have told bankruptcy judges to get their hands out of the offering plate," said Steven McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom.

In the past, state creditors have sued churches to confiscate offerings received up to six years before the donor filed bankruptcy.

"Charities no longer have to give creditors the donations they received from their sincere, consistent supporters," McFarland said.

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-- Marie Biggs is an intern at Baptist News Service, a division of the Baptist Joint Committee on Public Affairs.

## **Supreme Court rejects governor's school-prayer appeal**

By Larry Chesser

WASHINGTON (ABP) -- The U.S. Supreme Court has rejected a request by Alabama Gov. Fob James to dismiss a federal judge's order halting government-sponsored religious exercises in public schools in DeKalb County, Ala.

The Alabama governor is appealing a 1997 order by Judge Ira DeMent barring school-sponsored prayer and other religious exercises in DeKalb County public schools to the 11th U.S. Circuit Court of Appeals. While awaiting that appeal, James asked the high court to order DeMent to dismiss the case "for lack of a federal question."

Without comment and in quick fashion, the high court denied James' request.

"Gov. James' appeal to the Supreme Court never had a prayer," said Barry Lynn, executive director of Americans United for Separation of Church and State. "It was so bizarre, the justices brushed it aside in near record time."

DeMent issued the injunction in DeKalb County after ruling unconstitutional an Alabama law authorizing "non-sectarian, non-proselytizing student-initiated voluntary prayer." While DeMent ordered a halt to school-sponsored religious exercises, he listed a range of constitutionally protected student religious expression unaffected by his order.

James' petition to the high court, filed by his son, Forrest H. James III, attacked past Supreme Court rulings more than the one issued by DeMent. The 30-page brief argued that only the "people of the United States," not Supreme Court justices, "have a constitutional authority to decide the 'fundamental principles of our society.'"

James argued that one of the "most important 'fundamental principles'" established in the First Amendment "was to diffuse authority to decide church-state issues among the many jurisdictions of the states rather than centralizing that authority in a federal jurisdiction."

The U.S. Constitution authorizes the people of each state "to make their own laws on issues of religious liberty," James argued.

"Yet, the Justices of this Court insist on disobeying the 'supreme law,' by taking for themselves an unconstitutional power to decide religious issues for the whole nation," the petition argued.

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## Supreme Court rejects challenge to unemployment law exemption

By Larry Chesser

WASHINGTON (ABP) -- The U.S. Supreme Court refused June 22 to hear a Rhode Island woman's claim that exempting religious organizations from federal and state unemployment laws violates the separation of church and state.

Without comment, the high court turned aside Guadalupe Rojas' request to review decisions by two lower courts rejecting her First Amendment claim.

For most of the period between 1988 and 1994, Rojas was a paid employee of the Salvation Army but was terminated in March 1994 because of financial constraints faced by the organization.

After her termination, state officials ruled her ineligible for unemployment benefits because the Salvation Army was exempt, as a religious organization, from participation in Rhode Island's unemployment insurance program.

The Federal Unemployment Tax Act created the federal-state unemployment benefit program. Both the federal and Rhode Island laws regulating the unemployment program exempt churches or associations of churches and organizations which are operated or supported by a church or group of churches.

Rojas argued in a federal lawsuit that the exemption for churches violates the First Amendment's ban against government advancing religion.

But a federal district court and the 1st U.S. Circuit Court of Appeals said the exemptions serve a secular purpose and do not impermissibly advance religion.

The state and federal exemptions "serve the secular purpose of facilitating the administration of the federal-state unemployment insurance program by excluding from coverage a variety of workers whose employment patterns are irregular or whose wages are not easily accountable," the appeals court said.

The appeals court noted that the efficient administration of the program is particularly enhanced through the exemption for religion "because it eliminates the need for government to review employment decisions made on the basis of religious rationales."

Noting that an incidental benefit to religion does invalidate a government program, the appeals court concluded that the exemption for religious groups does not have the primary effect of advancing religion.

"Exempting religion from the entanglement that regulation would entail is perfectly permissible," said Brent Walker, general counsel of the Baptist Joint Committee. "Not only does it not violate the Establishment Clause, but in some cases, it is required by the Free Exercise Clause."

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EDITOR'S NOTE: This story was sent earlier to Baptist state paper editors. Photos of the hearing are available from Baptist News Service, (202) 544-7803.

## Lawyers debate constitutionality of proposed religious-liberty bill

By Kenny Byrd

WASHINGTON (ABP) -- Can Congress act to protect a female student who has a religious objection to revealing her legs from public-school policies that require she wear shorts in gym class?

This question and others involving religious-liberty issues, such as zoning policies that sometimes restrict church construction or religious gatherings, were the focus of a June 16 House panel hearing. Lawmakers were considering the constitutionality of a proposed religious-liberty bill.

The Religious Liberty Protection Act would restore protections erased when the Supreme Court struck down the Religious Freedom Restoration Act, enacted by Congress in 1993.

Like RFRA, the new bill would bar state and local officials from substantially burdening religious exercise unless they use the least restrictive means of furthering a compelling state interest such as health or safety. The high court ruled in *Boerne vs. Flores* that Congress exceeded its constitutional authority when it imposed RFRA on the states.

The new act would be enforced differently, applying more narrowly to actions of the federal government.

Representatives from a broad coalition of religious and civil-liberties groups who helped draft RLPA said the measure uses the same tools Congress used to enact the Equal Access Act, Civil Rights Act and Americans With Disabilities Act.

Some of the June 16 hearing amounted to round two of last year's oral arguments before the Supreme Court about the constitutionality of RFRA.

Among the eight lawyers testifying before the House Constitution Subcommittee about RLPA were two lawyers who argued on different sides of the *Boerne* case before the Supreme Court.

"There is substantial evidence of very widespread hostility to people who take their religion more seriously than the norm," said Douglas Laycock, professor at the University of Texas Law School. He noted that 45 percent of the American people express hostility to minority religions and evangelicals, adding that more than 60 percent say "we don't want to live next door to one."

Laycock, who argued in support of RFRA before the Supreme Court, said the high court "has taken a cramped view that one has a right to believe a religion, and a right not to be discriminated against because of one's religion, but no right to practice one's religion."

"The objection to exempting burdened religious practices is about the ultimate supremacy of majoritarian control imposing majoritarian secular values on every member of a religious minority group who has some objection," Laycock said.

Laycock's counterpart, however, argued that those seeking protection from broad, generally applicable laws, such as zoning laws, should look to local authorities for case-by-case exemptions instead of the broad approach that RLPA would offer.

RLPA "is no better than RFRA," said Marci Hamilton, who argued against RFRA before the high court. "In fact, it is worse," she said, "This, once again, is that kind of broad-brushed approach that RFRA suffered from."

Hamilton said the central question posed by both acts is: "Can the churches have a privilege that no one else in the community gets on an issue that involves general welfare?"

Marc Stern of the American Jewish Committee, however, said "the case-by-case approach is the least consistent with equality than any other approach." He said religious groups in the minority in local communities would find it much harder than majority religions to find accommodations from elected officials.

One bill sponsor, Rep. Jerrold Nadler, D-N.Y., asked Hamilton about the scenario where a girl does not want to wear shorts in gym class because of her religious beliefs.

"In order not to subject her parents to prosecution for violation of the state's mandatory-attendance laws, she has to violate her religion? Are you telling us we have no constitutional way of dealing with such a fundamental problem to protect religious freedom in this country?" asked Nadler.

Hamilton answered that accommodation should be left to the democratic process and local control, but, "There is no requirement in the Constitution to accommodate."

Nadler said, "What you're saying is that that young lady's right precisely depends on the outcome of local elections." He said it would run counter to the intent of the Bill of Rights for liberties to be up for a vote.

Hamilton went on to discuss zoning restrictions. "The question in a zoning case is whether or not the people who have spoken through the local representatives and enacted zoning laws are going to trump -- or rather the religious believer is going to trump." She added: "There is always a loser if someone is in fact a winner. This is about power."

Laycock responded: "There's sometimes a loser. In the gym-shorts case, there is no loser if you accommodate that person."

Hearing participants focused on objections which might be raised to the constitutionality of RLPA. Among other issues, lawmakers and witnesses were concerned that RLPA might violate the Establishment Clause and whether RLPA's actions are appropriately tied to Congress' powers to regulate what it funds and to regulate commercial activities among the states.

Christopher Eisgruber, professor at New York University School of Law, said RLPA's call for government to show a compelling state interest before enacting laws that infringe on religion is a violation of the Establishment Clause.

"Under RLPA or RFRA, for example, a church charity might ignore rules that a secular charity, devoted to identical causes, would have to respect," Eisgruber said. "It indefensibly favors religious commitments over the other deep concerns and interests of members of our society."

Thomas Berg, professor at Samford University's Cumberland Law School, disagreed with Eisgruber, arguing that an Establishment Clause challenge had little, if any merit. "It stands religious liberty on its head" to hold that the Establishment Clause prevents Congress from taking any action to protect religious liberty, he said.

Concerns were also raised over the breadth of Congress' spending power and whether discrimination against religion would have to be directly linked to the federal dollars.

One witness said, "The point is, if you want federal funding you have to respect religious freedom."

Subcommittee Chairman Charles Canady, R-Fla., disagreed with the notion that Congress has the authority to invoke its commerce and spending powers pursuant to civil-rights legislation but does not have the power to "protect the values related to religious liberty."

Berg said, "I think there's a little bit of a tendency here to throw up as many objections as possible against the act -- some of which are just frankly frivolous -- in the hope that some of those things will stick."

Canady and Nadler are sponsoring the bill in the House. Sens. Orrin Hatch, R-Utah, and Edward Kennedy, D-Mass., are sponsoring the measure in the Senate.

Following the Supreme Court decision striking RFRA down, a federal appeals court has since ruled that RFRA is applicable to federal agencies and actions.