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Supreme Court upholds Ohio school-voucher plan (revised)

By Robert Marus

-- EDITOR'S NOTE: This story updates and replaces an earlier version. It includes reaction from religious leaders and President Bush.

WASHINGTON (ABP) -- A divided U.S. Supreme Court ruled June 27 that providing taxpayer funds to religious schools does not necessarily violate the Constitution's ban on state support for religion.

The high court said 5-4 that Ohio could continue providing state-funded scholarships to disadvantaged Cleveland children to use in private schools, including religious ones. The program was established to give students more educational opportunities. The city's public schools are some of the lowest performing in the nation.

Opponents to the vouchers argued that including religious schools in the program violated the separation of church and state.

"This is probably the worst church-state decision in the last 50 years," said Barry Lynn, director of Americans United for Separation of Church and State. "All taxpayers now have to pay for religious indoctrination."

The ruling is likely to reinvigorate efforts of "school choice" proponents, who had feared a defeat in the case would have been a fatal blow to their cause.

"This is the most significant Supreme Court decision, in terms of its impact on public education, since Brown vs. Board of Education," Richard Land, president of the Southern Baptist Ethics and Religious Liberty Commission, said in a statement. Land's reference was to the landmark 1954 case that declared racial segregation in public schools illegal. He said he believes the new ruling "will have a tremendously positive effect."

President Bush called the ruling "a great victory [for] parents and students throughout the nation." Speaking at a rally in Cleveland, Bush said July 1 that decisions about education should be made locally and not dictated from Washington.

Others, however, said the decision would undermine religious freedom.

"This decision is a blow to the constitutional principle that government should not advance religion," said Holly Hollman, general counsel for the Baptist Joint Committee on Public Affairs.

BJC Executive Director Brent Walker concurred: "Government has no business subsidizing religion," he said. "It does no less by passing vouchers through the pockets of parents."

The Supreme Court said the Cleveland program doesn't establish religion, because parents exercised free choice in using the vouchers to send their children to parochial schools.

"The Ohio program is entirely neutral with respect to religion," Chief Justice William Rehnquist said in the majority opinion. "It provides benefits directly to a wide spectrum of individuals, defined only by financial need and residence in a particular school district."

Joining Rehnquist in the majority opinion were Justices Antonin Scalia, Clarence Thomas, Anthony Kennedy and Sandra Day O'Connor.

Even though 96 percent of the vouchers provided under the program in a recent year went to church schools, the court majority said parents exercised "true private choice" in where to send their money.

Justices Ruth Bader Ginsburg, David Souter, Stephen Breyer and John Paul Stevens dissented from the majority on several grounds, including the majority's central assertion that Cleveland parents had a "genuine choice" between religious private schools and other schooling alternatives.

"For the overwhelming number of children in the voucher scheme, the only alternative to the public schools is religious," Souter said in a dissent that ran longer than the majority's opinion. Of 55 schools participating in the program, he said, 45 were religious in nature.

Souter and other dissenting justices also said a \$2,500 cap on scholarship assistance "has the effect of curtailing the participation of nonreligious schools," because secular private schools usually charge higher tuition than church-subsidized parochial schools.

Souter said many low-income families would be coerced to choose a religious school with which they might disagree over a secular private school that they cannot afford.

But the majority said Cleveland's voucher program offered parents a genuine choice in that it also included public charter or "community" schools, public magnet schools, assistance for children in public schools to hire private tutors, and suburban school districts that agreed to accept Cleveland students.

In an opinion concurring with the majority, Justice O'Connor said the court "should consider all reasonable educational alternatives to religious schools that are available to parents." To do otherwise, she said, "is to ignore how the educational system in Cleveland actually functions."

But Justice Stevens, in his separate dissent, said the range of choices "has no bearing" on the larger question of "whether the state may pay the tuition for students who wish to reject public education entirely and attend private schools that will provide them with a sectarian education."

Dissenting justices predicted increased entanglement between church and state in light of the ruling. Souter warned of "corrosive secularism" in religious schools that might water down their religious message in order to qualify for government funds.

Under the Ohio law upheld by a majority of justices, Souter said Christian schools that refused to hire Muslim or Hindu teachers could be sued.

The dissenters also said competition for public funds could prompt religious conflict. "As appropriations for religious subsidy rise, competition for the money will tap sectarian religion's capacity for discord," Souter argued.

The majority dismissed that concern, however, noting that no religious discord has occurred in the five years the Cleveland program has been in place.

Souter also said individual taxpayers in the future might sue over specific aspects of a school's curriculum.

Not every secular taxpayer will "be content to support Muslim views on differential treatment of the sexes," Souter said, "or, for that matter, to fund the espousal of a wife's obligation of obedience to her husband, presumably taught in any schools adopting the articles of faith of the Southern Baptist Convention."

Senators back bill to bolster workplace religious freedom

By Robert Marus

WASHINGTON (ABP) -- Two high-profile senators from opposite ends of the political spectrum have come out in support of a proposed law aimed at giving religious freedom a boost in America's workplaces.

U.S. Sens. John Kerry (D-Mass.) and Rick Santorum (R-Pa.) announced their co-sponsorship of the Workplace Religious Freedom Act during a June 26 press conference at the U.S. Capitol. The bill has backing of a diverse coalition of religious leaders.

"In an increasingly diverse society, we must ensure -- through clear rules of public policy -- that religious practices be reasonably accommodated," Santorum said. "This legislation ensures these freedoms in the workplace through a sensible, balanced approach."

The bill would clear up questions about how far workplaces have to go to protect the religious rights of employees. Title VII of the Civil Rights Act of 1964 required employers to accommodate the religious practices unless doing so imposes an "unreasonable" burden. A 1977 Supreme Court ruling, however, said that workers can be denied accommodation of any religious practice that creates more than a "minimal" hardship on the employer.

Critics of the Supreme Court interpretation say it puts too much burden on workers and not enough on employers in disputes over religion in the workplace.

For example, if an employee were to ask well in advance to have Saturdays off to observe a religious Sabbath and even found a replacement worker, an employer could still say that any extra effort created for managers by reshuffling schedules is more than a minimal hardship on the business.

Currently, workers alleging religious discrimination on the job often have to endure lengthy legal battles, sometimes against well-funded corporations. Often they just find other jobs.

"With all we know and love about our country, it should be clear in our laws that no worker should ever have to choose between keeping a job and keeping faith with their cherished religious beliefs," said Kerry, a rumored presidential candidate.

At their press conference, the senators introduced victims of workplace religious discrimination.

One, Prabhjot Kohli, a Sikh, described being turned down for a management position with Domino's Pizza franchise in 1987 for refusing to shave his beard.

The Sikh faith requires adult men to wear full beards and distinctive turbans. Domino's has a policy against facial hair and refused to relax its policy to accommodate Kohli's religion.

After Kohli filed a complaint with the Maryland Commission on Human Relations and spent \$35,000 of his own money in legal bills, Domino's eventually modified the policy to accommodate bona-fide religious tenets.

"This is the depth of my religion," Kohli said. "I can't shave just because of the whims of some person [who created Domino's no-beard policy]."

Labor groups initially opposed the concept behind the Kerry-Santorum bill, but have dropped their opposition, the senators announced.

A diverse coalition of liberal, conservative and moderate religious groups supports the bill. It includes the Baptist Joint Committee, Southern Baptist Convention Ethics and Religious Liberty Commission, National Council of Churches, Family Research Council, Anti-Defamation League and Islamic Supreme Council of America.

CBF breakout session lists 'lies' that 'some' Baptists tell women

By Lacy Elwood

FORT WORTH, Texas (ABP) -- The notion that women are inferior to men isn't supported by the Bible, but you can find it in the Koran, according to Joy Heaton.

Heaton, pastor of Antioch Baptist Church in Enfield, N.C., led a breakout session on "10 Lies Some Baptists Tell Women" at the Cooperative Baptist Fellowship General Assembly June 28 in Fort Worth, Texas.

She based the session on the book "10 Lies the Church Tells Women: How the Bible has been misused to keep women in spiritual bondage" by J. Lee Grady, editor of Charisma magazine and a former Baptist.

Heaton, who insisted she is not a feminist but just "a woman that God loves," wouldn't identify the "some" Baptists referenced in her title.

"Not all Baptists say this, and I'm not going to say which ones do. It's not important which Baptists say this," Heaton said. "Any person and any Baptist who says these things is who I am talking about. But these lies are always based in the Bible. Everyone of these things is based on the Bible, because these Baptists are also Bible-believing Baptists."

She said she used a "blanket statement" technique that she learned in high school debate class to discredit the arguments used in Baptist churches to subjugate women. "If I can find one exception to the blanket statement, then I've popped their balloon," Heaton said.

The first lie, she said, is that "God created women as inferior beings, destined to serve their husbands."

"Here's the thought: since Adam was created first and Eve later, it proves that man is superior to woman," Heaton said. "She is called 'helpmeet' for Adam, so she is inferior. But the same Hebrew word is used later for God. Does that mean that God is inferior because he's our helper? It is the same word out of the same Bible."

Heaton said Christians should not think of "man" and "woman" when they read the story of Adam and Eve, but rather view both of them as representing all human beings.

"I'm a human," she said. "I'm not 'white.' I'm not 'black.' I'm not 'male.' I'm not 'female.' I'm created in God's image, just like you."

Heaton said the only direct mention she could find of women being inferior to men in any scripture was in Chapter 4, Verse 24 of the Koran, which says word-for-word, "Women are inferior to men."

"I don't follow the Koran," Heaton said. "Now you tell me where in my Book -- the one God gave me that I love -- where it says that."

The second "lie" says, "Women are not equipped to assume leadership roles in the church." Heaton referred to stories about women leaders in Judges, Kings and Esther to contend that God can equip anyone with the spirit to lead.

"I didn't equip myself. God's spirit gifted me to be a preacher," Heaton said. "The leader of a church is not a man or a woman. The leader of a church is the Holy Spirit."

Heaton cited the example of the Baptist missionary Lottie Moon to dispel the eighth lie on her list: "A woman cannot be fulfilled or spiritually effective without a husband and children."

Moon, a revered missionary to China for whom the Southern Baptist Convention's annual foreign missions offering is named, "was never married and she never had children," Heaton said. "She was spiritually effective, and she said she was fulfilled. Is there a Baptist that would say anything bad about Lottie Moon?"

Heaton closed the discussion with her 10th lie, based on the SBC's 2000 "Baptist Faith and Message." It says, "Women must 'graciously submit' to their husbands in all situations." She used spouse abuse as an example of an exception to the rule.

"Most people from battered homes come from Christian homes," Heaton said. "Many have been told to 'graciously submit.' You don't have to submit to anything dominating or fear-provoking."

The complete list of Heaton's "10 Lies Some Baptists Tell Women" is as follows:

1. God created women as inferior beings, destined to serve their husbands.
2. Women are not equipped to assume leadership roles in the church.
3. Women must not teach or preach to men in a church setting.
4. A woman should view her husband as the "priest of the home."
5. A man needs to "cover" a woman in her ministry activities.
6. Women who exhibit strong leadership qualities pose a serious threat to the church.
7. Women are more easily deceived than men; and therefore, should not be given decision-making authority.
8. A woman cannot be fulfilled or spiritually effective without a husband and children.
9. Women should not work outside the home.
10. Women must "graciously submit" to their husbands in all situations. (See 2000 "Baptist Faith and Message.")

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