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'Moderate' publisher running for Congress

By Bob Allen

ROME, Ga. (ABP) -- The principal owner of the publishing house of choice for many Southern Baptist "moderates" is running for Congress -- as a conservative.

Cecil Staton, president of Smyth & Helwys Publishing in Macon, Ga., faces a Sept. 10 runoff for the Republican nomination for the U.S. House of Representatives in Georgia's newly formed 11th congressional district.

In his first bid for public office, the 44-year-old Staton finished second in a three-way primary race Aug. 20, gaining 33 percent of the Republican ballot (10,186 votes), behind state Sen. Phil Gingrey, a 60-year-old obstetrician from Marietta, with 39 percent. The third Republican, Bob Herriott of Carrollton got 28 percent, setting up a runoff between Staton and Gingrey.

The winner of the runoff will face Roger Kahn, a millionaire businessman from Rydal, in the general election this fall. Kahn won the Democratic primary over former Congressman Buddy Darden.

Staton and three others started the for-profit publisher Smyth & Helwys in 1990 amid concerns that books published by the Southern Baptist Convention's Sunday School Board (since renamed LifeWay Christian Resources) would offer only a "fundamentalist" point of view. The company started publishing curriculum for Sunday school in 1991. It is among "partner" organizations of the Cooperative Baptist Fellowship, independent ventures informally linked to the Atlanta-based moderate group.

Key SBC leaders are comfortable with conservative figures such as Jerry Falwell, James Dobson and Oliver North, and the convention has passed numerous resolutions positioning itself with the Religious Right.

The CBF, meanwhile, is generally viewed as more moderate and tolerant of differing views. Former President Jimmy Carter claimed the CBF as his spiritual home when he publicly severed his lifelong ties to the SBC two years ago. Bill Clinton has also said he is more comfortable with the SBC's "moderate" wing, which is embodied in the CBF. Despite the fact that both are Southern Baptists, SBC leaders have over the years made clear their disdain for the politics of Clinton and Carter, while embracing presidents Reagan and Bush.

Some moderates are surprised therefore, when they log onto the Internet site statonforcongress.org, and find the moderate leader endorsed by Phyllis Schlafly, Gary Bauer and Alan Keyes. One prominent SBC conservative pastor in Georgia, former Home Mission Board chairman Clark Hutchison, pastor of First Baptist Church of Cartersville, also backs Staton, while another, Nelson Price of Marietta, supports his Roman Catholic opponent.

Staton, who describes himself as a lifelong Republican, also touts conservative positions on issues

including guns, abortion and parental choice in education. The Atlanta Journal-Constitution described him as the most conservative candidate in the three-way Republican primary.

When he chose a name for his alternative publishing venture in the early 1990s, Staton honored two figures from Baptist history. John Smyth and Thomas Helwys were Baptist leaders in England in the 17th century, once described in an article by Staton as "two individuals who stood for the separation of church and state and the freedom of the soul before God."

A press release on the candidate's Web site, however, quotes Staton as saying: "The phrase 'separation of church and state' does not appear in our Constitution. Only Republicans are willing to appoint judges to the bench who say what the Constitution says -- not what the liberals want it to say."

Smyth & Helwys has published numerous books on the topic, with titles including "The Myth of Christian America: What You Need to Know about the Separation of Church and State." Some see that as a contradiction.

"I don't think there's a single Smyth & Helwys publication that takes that [Staton's] perspective," said James Dunn, a Wake Forest Divinity School professor who has written for the firm. "I respectfully disagree with Cecil and his perspective on church-state separation."

Dunn, who is the retired head of the Baptist Joint Committee, a religious-liberty watchdog group, said Staton is "technically correct" that the phrase separation of church and state isn't in the Constitution, but insisted that "the concept is clearly there."

"I'm shocked and surprised at Cecil's statements, because they represent a sharp divergence from things he's said in the past about church-state separation as an essential corollary for religious freedom," Dunn said.

Staton declined to comment on the record about his campaign.

David Cassady, executive vice president and acting publisher, said Staton's political campaign is "wholly separate" from his work at Smyth & Helwys. Staton is on leave of absence since last fall. His campaign headquarters is in Rome. "I have not even spoken with him in weeks," Cassady said in an e-mail. "I understand he is rarely in Macon."

Cassady said Smyth & Helwys editors have the same freedom they have had since 1991 and haven't changed in their basic values. "Our commitment to the separation of church and state is as solid as ever," he said.

Cassady said some individuals who work at Smyth & Helwys have contributed to Staton's campaign but the corporation is not involved.

"I am honored to know and to have worked with Cecil Staton for many years," Cassady said. "He is a person of intellect, integrity and vision. If he is elected, I believe he will do great things. However, his campaign is wholly separate from the work of Smyth & Helwys."

The race for the 11th Congressional District, which snakes through 17 counties from Columbus nearly to Tennessee, was the fourth-most expensive race in the country, with candidates spending nearly \$3.5 million by mid-August, according to research reported by the Baptist Center for Ethics.

According to the Center for Responsive Politics Web site, opensecrets.org, Staton raised more than \$650,000 for his campaign, including more than \$500,000 of his own money.

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Clergy housing-allowance case dismissed, but threat remains

By Robert Marus

SAN FRANCISCO (ABP) -- A federal court has thrown out one challenge to a long-standing benefit that exempts American clergy from paying taxes on the money they spend on housing. But a law professor challenging the practice vows to file another lawsuit claiming it is unconstitutional.

The 9th U.S. Circuit Court of Appeals in San Francisco dismissed a high-profile case Aug. 26 pitting Southern Baptist mega-church pastor Rick Warren against the Internal Revenue Service.

Warren sued the IRS after it turned down his \$80,000 claim as a housing allowance. The IRS said the tax code allows deduction of only the fair-market rental value of a minister's home. Warren argued that it exempts all costs related to clergy housing.

The case took on added importance when a three-judge panel hearing the case took upon itself to decide whether the entire notion of the housing allowance violates the Constitution by subsidizing religion and creating excessive entanglement between church and state.

They asked a law professor at the University of Southern California Law School to prepare a "friend of the court" brief on the legality of the practice. Professor Erwin Chemerinsky, previously an outspoken critic of the clergy tax break, argued the exemption is clearly unconstitutional.

Anticipating a ruling against the exemption, Congress rushed to pass legislation to protect ministers from being forced to pay an additional \$500 million in annual taxes. President Bush signed the bill into law in May. Both sides in the lawsuit, joined by the Department of Justice, asked that the case be dismissed.

But Chemerinsky opposed the motion for dismissal, asking the court to allow him, as a federal taxpayer, to intervene in the case and keep the constitutional question alive.

In their Aug. 26 ruling, the three-judge panel said Chemerinsky had not established grounds to continue in the lawsuit, but noted that he may now want to file his own separate lawsuit as a taxpayer challenging the ministerial tax exemption on constitutional grounds.

Chemerinsky said he would do just that in a telephone interview Aug. 27. From his office in North Carolina, where he is spending the semester as a visiting professor at Duke University Law School, Chemerinsky told Associated Baptist Press he plans to go ahead and challenge the exemption in a lower federal court.

"I am going to file a taxpayer action -- I'm not sure exactly when, but relatively soon -- challenging the parsonage allowance," he said.

Phill Martin, director of education for the Dallas-based National Association of Church Business Administration, said he wasn't surprised by news that Chemerinsky would continue challenging the tax exemption, but it was still unwelcome.

"We continue to have great concern for the future of the minister's housing allowance [tax exemption]," said Martin, a Baptist minister and current moderator of the Cooperative Baptist Fellowship. "Its elimination would have serious financial impact on religious ministries of all faiths."

Martin's organization previously filed its own friend-of-the-court brief supporting Warren's position in the original lawsuit, and has tracked the case and accompanying legislation.

Chemerinsky said he could file the suit in federal court either in North Carolina or Washington, but he would most likely file it in Los Angeles. That would almost guarantee that the case will once again make it to the 9th Circuit.

The 9th Circuit has made news lately with several notable rulings involving the separation of church and state. It is the court that in June declared the "under God" phrase in the Pledge of Allegiance unconstitutional. While some criticized that decision as anti-religion, a panel of the court also recently upheld the right of a Washington student to spend a state-funded scholarship to study theology at the college level.