

**Religious-liberty lobbyists see major challenges in Congress**  
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WASHINGTON (ABP) – Religious liberty will face an onslaught unseen in recent years in the 108th Congress, according to some groups that track church-state issues on Capitol Hill. However, other religious-issue advocates are looking forward to action on the same issues that their colleagues decry.

According to legislative liaisons for groups that support strong church-state separation, Republican control of both houses of Congress and the White House means more attempts at weakening the metaphorical “wall of separation” that bans government support for religion.

“We are expecting a very tough congressional session this year, with everything on the table from school vouchers to ‘faith-based’ funding for churches,” said Joe Conn of Americans United for Separation of Church and State. “President Bush sees tax-funded religion as the answer to every social problem, and he will be pushing hard for that agenda.”

Conn especially noted that some of the new leaders of Congress – such as Rep. Tom DeLay (R-Texas), the new House majority leader – are outspoken opponents even of the very concept of church-state separation. In 2001, DeLay told a group of conservative Christian leaders that he supports “standing up and rebuking this notion of separation of church and state” and that he doesn’t believe church and state should be separated.

Conn said that “the concept of religious liberty is very much at stake” in the new Congress.

Interfaith Alliance spokesperson Melissa Schwartz said that, generally, “the groups that strive to protect religious liberty rarely see friendly bills in Congress” and that this session will be no exception to that pattern.

Both Schwartz and Conn, as well as People for the American Way legal director Elliott Minberg and Baptist Joint Committee on Public Affairs general counsel Holly Hollman, cited several anticipated pieces of legislation as likely bones of contention in the new session of Congress:

– A second attempt at passage of the so-called “Houses of Worship Political Speech Protection Act,” sponsored by Religious Right ally Rep. Walter Jones (R-N.C.) in last year’s Congressional session. The bill would have exempted churches, synagogues, mosques and other houses of worship from laws that prevent involvement in partisan politics by non-profit groups organized under section 501(c)(3) of the federal tax code.

Supporters – such as the Southern Baptist Convention’s ethics agency and Presbyterian television evangelist James Kennedy – said the bill simply would have restored a right taken away from churches in the 1950s, opponents said it would have led to a disastrous politicization of religious groups and created a huge loophole in the federal campaign-finance reform law.

Jones has vowed to re-introduce the bill in this session, even though it failed to pass the House by a wide margin last year and its Senate version never even got off the ground. “I’m not sure that it will produce significantly different results this time, even with a Republican majority in the Senate,” Minberg said. “I expect that there will be bipartisan concern about [the bill].”

However, Religious Right supporters have vowed to fight hard again for the bill’s passage.

– Federal school-voucher proposals. Last year, the Supreme Court said a Cleveland program that provides government scholarships to children in private schools, including religious schools, is constitutional as long as the recipient families have a legitimate choice between using the scholarships at secular and religious schools. Emboldened by this decision, proponents of government funding for religious schools have vowed to push for voucher programs on the federal level. Both Minberg and Conn said they expect legislation in this session to set up a voucher program in the District of Columbia, over which Congress has legislative authority.

Mincberg also noted the possibility that members of Congress would propose legislation this year to institute a nationwide voucher program for special-education students, since the legislation that deals with federal special-education funding will be up for renewal this year.

According to Mincberg, voucher legislation may be less popular in Congress than its supporters expect because voucher proposals have met several legislative and electoral defeats around the nation in recent years. But the BJCPA's Hollman said new committee assignments in both the House and Senate may make for smoother sailing for voucher proposals.

– Federal funding for religious charities. A recent executive order by President Bush instituted many of the most controversial parts of his “faith-based initiatives” that got bogged down in last Senate term. Nonetheless, opponents of such “charitable choice” programs said legislators may attempt to add legislative authority to that executive order now with a friendlier Senate leadership in place. Sen. Rick Santorum (R-Pa.) has already said he will reintroduce his Senate version of the faith-based bill that died last year.

“One of the most interesting questions as we approach 2004 is what Sen. [Joe] Lieberman [D-Conn.] will do,” Mincberg said. Lieberman was Santorum’s co-sponsor on the legislation in the Senate last year, but his priorities may change since he is widely believed to be eyeing a run for the presidency.

“Pro-family” groups, however, are much more optimistic about their vision of religious freedom being advanced in the 108th Congress. Family Research Council head Ken Connor said that Republican control of the executive and legislative branches “means that we can expect the GOP to advance the [conservative] social-issues agenda.” That agenda includes support for Bush’s expansion of government funding for religious charities, school-voucher programs and Jones’ church-politicking bill – as well as proposals legalizing government-sanctioned prayers in public schools.

While Religious Right groups are rejoicing over their newfound Congressional prowess, both Conn and Mincberg said perhaps the most important religious-liberty issue in this Congress will not be legislative. “If you look at the long-run impact on religious liberty, maybe the No. 1 issue will be judicial nominations,” Mincberg said. The Senate must confirm or deny President Bush’s picks for important federal judgeships, and Bush has already nominated several controversial judges with records that opponents say are radical on issues of church-state separation.

Last year, the Democratic-controlled Senate Judiciary Committee rejected two of those nominees to the 5th U.S. Circuit Court of Appeals – Charles Pickering of Mississippi and Priscilla Owen of Texas. Bush has already re-submitted their names for nomination now that the committee has a Republican majority. Groups such as the Family Research Council have expressed support for those nominees and others with similar ideological views.

Many observers believe it is highly likely that at least one – and perhaps two – of the Supreme Court’s justices will retire this year, meaning Bush’s nominees to those spots will be in the hands of a Republican-controlled Senate. With the court split 5-4 on many church-state questions in recent years – and with “swing-vote” Justice Sandra Day O’Connor being one of the potential retirees – Conn said “the future of church-state separation will be very much at risk.”

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