

# REPORT from the CAPITAL

## Parochial aid revisited



*"Thirteen years ago, and again eight years ago, this body rejected proposals that would divert federal funds to private elementary and secondary schools. The issue was well ventilated and correctly decided.*

— Sen. Ernest F. Hollings



*"At that time, I spoke in favor of the idea of using public funds for private and parochial schools. I was wrong then, and I do not intend to compound that error now."*

— Sen. Howard Metzenbaum

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# REPORT from the CAPITAL

"... a civil state 'with full liberty in religious concerns' "

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**Cover:** Sens. Ernest F. Hollings of South Carolina and Howard Metzenbaum of Ohio recently helped lead the way as the Senate rejected proposals to provide tax support for private and religious schools.

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## The mark of a real Baptist?

(EDITOR'S NOTE: This commentary was published in the newsletter of First Baptist Church, Asheville, N.C., where John Hewett is pastor, and has been reprinted with permission. Hewett is moderator of the Cooperative Baptist Fellowship.)

Our senior senator has done it again. The honorable Jesse Helms tried to convince the U.S. Senate to amend the Neighborhood Schools Improvement Act (S.2) to urge the Supreme Court to reverse two landmark decisions banning public school-sponsored prayer and devotional Bible reading.

Helms argued that everything wrong in our schools started in 1962-63 when the Supreme Court decisions were handed down.

His arguments are specious. Students have always been allowed to pray and read their Bibles at school individually. They can meet in groups at school to do the same under the Equal Access Act. Helms' amendment would have restored state-sponsored classroom prayer and state-sponsored devotional Bible reading, which Baptists who remember their history have assiduously opposed. The state has no business usurping the responsibility of American homes, churches and synagogues. Jesse Helms is a Baptist. He's supposed to know that.

And Helms' memory is flawed. Back in the "good old days" when all the little boys and girls were reciting the Lord's Prayer (at least, all the little Gentle boys and girls) and teachers were selecting devotional passages from the Bible, our schools and churches were also segregated by race. School-sponsored prayers, Bible-readings and Christmas pageants regularly excluded Jewish children and those of other, non-traditional faiths like Jehovah's Witnesses. What actually happened in the South during those years was the state establishment of overwhelmingly Protestant religious exercises in public school classrooms. (And, if you'll recall, during those "wonder years" of 1962-63, smokin', drinkin', illicit sex and sassin' the teacher were as popular as they are now.)

I remember my friend Alan Payne, one of the few Jewish boys in our all-white elementary school. Every morning we'd all recite in unison the Lord's Prayer. Well, all of us except Alan. It wasn't his prayer. Our teachers never seemed to notice. That was wrong then, and it's wrong now. When the whole class stands at attention and prays in unison, don't tell me a 10-year-old is totally free to make a completely voluntary decision not to join in. When public school officials use the authority of their positions to advance their own religious beliefs and opinions in a coercive manner at taxpayer expense, they violate the Constitution of the United States of America.

Sen. Helms needs to know the story of Baptist pastor John Leland and his tireless efforts to get a religious liberty amendment included in the Bill of Rights. The exalted language of that pioneer of freedom rings with more intelligence and fervor than all the old WRAL-TV scripts you can find. (Helms gave editorials on this Raleigh station for 12 years.)

The Senate rejected Sen. Helms' amendment 55-39.

There must have been some real Baptists there. □

— John Hewett



THE U.S. SUPREME COURT CONTINUES THIS TERM to consider several church-state cases. *Lee v. Weisman*, the Rhode Island commencement prayer case in which the court has been asked to water down the protection afforded by the establishment clause, is still pending. It was argued in November and will be decided sometime before the court adjourns in early summer.

The high court recently granted review in *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*. The practitioners of the Santeria religion incorporate ritual sacrifice of animals in their worship ceremony, which the city of Hialeah has sought to ban. The pending question is whether the city can prevent the killing of animals for religious reasons while permitting it for other reasons including sport, food, research and the like. Since religion is singled out for discriminatory treatment, the relaxed free exercise standard announced in *Employment Division v. Smith* (1990) should not apply. The court is expected to hear the case sometime next fall.

The court also entertained oral arguments in *ISKCON v. Lee*. The issue in this case is whether the Hare Krishnas can be prevented from soliciting contributions and distributing literature in three New York City area airport concourses. This case involves not only free speech rights but free exercise considerations as well. The principal issue to be decided is whether government can squelch religious speech while permitting commercial speech and political discourse in a public forum. • (JBW)

THE RELIGIOUS FREEDOM RESTORATION ACT (H.R. 2797) continues to move along its legislative track. This important legislation would restore the "compelling interest" test used to decide free exercise cases that was lost in *Employment Division v. Smith* (1990). Hearings have been scheduled in the House Subcommittee on Civil and Constitutional Rights for May 13 and 14. The measure now has 173 bipartisan co-sponsors in the House. The bill in the Senate should be introduced soon by Sens. Joseph Biden, D-Del., and Orrin Hatch, R-Utah. Other Senators who have agreed to co-sponsor are Brock Adams, D-Wash., Nancy Kassebaum, R-Kan., Edward Kennedy, D-Mass., Carl Levin, D-Mich., Joseph Lieberman, D-Conn., Arlen Specter, R-Pa., Timothy Wirth, D-Colo., and Paul Wellstone, D-Minn. Other senators need to hear from Baptists on this important issue. • (JBW)

THE HOUSE COMMITTEE ON EDUCATION AND LABOR soon will take up its education bill (H.R. 4323) that, as presently drafted, does not allow tax dollars to be used for parochial elementary and secondary education. Representatives need to hear from concerned Baptists about their opposition to any amendment that would allow public funding for church schools. • (JBW)

# Same song, another verse

## Congress again rejecting parochial school aid

**T**he recurring parochial aid issue appears all but dead in the 102nd Congress, with "choice" suffering a sound defeat in the Senate and facing a probable retreat in the House.

In the past eight years, the parochial issue has been defeated twice on the floor of the Senate.

On Nov. 16, 1983, the Senate decisively defeated, 59-38, President Ronald Reagan's tuition tax credit proposal. Reagan's proposal would have made partial reimbursement for tuition expenses to parents who send their children to private and parochial schools.

The most recent attempt to channel public funds to private institutions came when President George Bush announced his America 2000 educational reform package. A centerpiece of Bush's package is the so-called "choice" component that would provide parents vouchers to send their children to public and private schools.

*"We still hold some truths to be self evident: that public money goes only for public purposes, that no one pays taxes to support religious institutions, that Americans have a common commitment to the common school."*

— James M. Dunn

Both houses of Congress have worked on major education reform bills, grappling with the volatile parochial issue.

In January, the Senate approved the Neighborhood Schools Improvement Act (S. 2) by a 92-6 vote, rejecting attempts to include parochial elements in the bill.

The Senate defeated, 57-36, an amendment that would have established a school choice demonstration project. The amendment, sponsored by Sen. Orrin Hatch, R-Utah, would have authorized \$30 million to carry out a maximum of six demonstration projects providing low-income parents with federal money to help pay for public or private education.

Another amendment seeking to authorize grants to establish 535 new, innovative schools across the country was approved 96-0 after its sponsor, Sen. Thad Cochran, R-Miss., agreed to alter the proposal. One change was that no grants could be used to establish private

or sectarian schools.

S. 2 would authorize \$850 million in annual grants to states to finance comprehensive education improvement at the local school level. The bill, sponsored by Sen. Edward Kennedy, D-Mass., is designed to help the nation achieve its education goals.

Kennedy noted five key features of S. 2, including the rejection of "the deeply flawed notion that federal aid to private schools should be the heart of our federal efforts to improve the public schools."

During debate on the choice amendments, Sen. Ernest Hollings, D-S.C., staunchly opposed choice.

"There is the issue of parochial schools and church-state relations," Hollings said. "We started this debate back 30 years ago when I was campaigning for a Catholic president and everybody was all alarmed that we were going to merge religion and politics."

Hollings, who led the battle against parochial aid in 1983, reminded senators of the foresight of the forefathers who ensured religious freedom was protected by the First Amendment.

"They separated church and state, and why do we want to tamper with that now?"

Hollings continued, "Thirteen years ago, and again eight years ago, this body

### Parochial Votes 1966-1990

Year	State	Percent For	Percent Against
1966	Nebraska	43	57
1967	New York	27	72
1970	Nebraska	43	57
1970	Michigan	43	57
1972	Oregon	39	61
1972	Idaho	43	57
1972	Maryland	45	55
1974	Maryland	43	57
1975	Washington	40	60
1976	Alaska	46	54
1976	Missouri	40	60
1978	Michigan	26	74
1981	District of Columbia	11	89
1982	California	39	61
1982	Massachusetts	38	62
1986	Massachusetts	30	70
1986	South Dakota	54	46
1990	Oregon	33	67

rejected proposals that would divert federal funds to private elementary and secondary schools. The issue was well ventilated and correctly decided.

"I would dust off my remarks from then and present them again, except that we are at a different place in history. The arguments against this unconstitutional subsidy have become even stronger during the past decade, while the need for a government that addresses the needs of the people rather than the whims of pols has become absolutely evident.

"The American people are beginning to look beyond the public relations facade whipped up by a succession of photo opportunities over the past 11 years. George Bush now presides at the helm of a rudderless and rusting ship of state."

In 1983, Hollings blasted Reagan's proposal, saying it would "rip a revenue hemorrhage in the economic fabric, leading the way to a higher deficit."

He concluded: "This is a rip-off for the rich and everyone knows it."

Sen. Howard Metzenbaum, D-Ohio, also spoke harshly against parochial aid as "bad public policy."

"The use of public funds to support sectarian education constitutes an unwise violation of the principle of separation of church and state," Metzenbaum said. "And I predict that religious schools, which have rightly cherished their independence from government control, would in the end regret this step."

"They would eventually find that government funding inevitably leads to government regulation and government control."

Metzenbaum said that more than a decade ago he supported an amendment regarding funding for private schools.

"At that time, I spoke in favor of the idea of using public funds for private and parochial schools. I was wrong then, and I do not intend to compound that error now."

Metzenbaum continued, "Choice is not the quick fix, the easy answer, which will somehow magically transform our public schools. In fact, by diverting attention and resources from our public schools just when help is most needed, choice is more likely to undermine public education than to strengthen it."

J. Brent Walker, BJC associate general counsel, lauded the Senate's action: "No matter how good an education bill might be, it's fatally flawed if it doesn't respect the Constitution. Those senators who voted against the amendments did the right thing. It was a courageous act of statesmanship for Republicans ... to put principle over politics and vote against the president."

The remaining parochial question left in the 102nd Congress rests in the House of Representatives.

In October, the House Committee on

***"No matter how good an education bill might be, it's fatally flawed if it doesn't respect the Constitution. Those senators who voted against the amendments did the right thing. It was a courageous act of statesmanship for Republicans ... to put principle over politics and vote against the president."***

— J. Brent Walker

Education and Labor approved the Comprehensive Neighborhood Schools Revitalization Act (H.R. 3320), which contained a choice provision. However, the bill never reached the floor.

House committee leaders decided to revisit the private school aid issue after the U.S. Senate approved S. 2.

A new bill (H.R. 4323) was introduced Feb. 26 by Rep. Dale Kildee, D-Mich. The committee is expected to mark up the new bill in the next several weeks, said John F. Jennings, general counsel for education of the House Committee on Education and Labor.

Jennings said the new bill is identical to the original with two exceptions. The new bill drops all choice provisions that would have allowed states to implement vouchers for parents to send their children to parochial schools.

While the Kildee bill contains no choice provisions, it is still subject to revision, Jennings noted. He said committee members anticipate possible attempts to reinstate choice provisions in the bill.

Efforts to amend the bill appear likely because the committee approved the original bill only after Democratic leadership struck a deal with the White House. The administration agreed to support H.R. 3320 if the voucher language was not weakened.

"Even though the new bill has dropped the provision allowing choice, we are not yet out of the woods," Walker said. "I fully expect attempts to amend the bill in the committee mark up to include choice demonstration projects and the like."

"These attempts were turned away in the Senate; we hope the House will do the same."

After the new development in the House, BJC Executive Director James M. Dunn, said, "We still hold some truths to be self evident: that public money goes only for public purposes, that no one pays taxes to support religious institutions, that Americans have a common commitment to the common school." □

— Pam Barry

## ***"Christ's religion needs no prop ..."***

George W. Truett's words span the century as a reminder that religion is diminished by government-financed religious schools, government-sponsored prayer in public schools and government-endorsed religious displays.

## **Religious Liberty Day June 1992**

**Celebrate the historic Baptist commitment to a free church in a free state on the first day of worship in June.**

Churches that want to receive free Religious Liberty Day materials **MUST** request them.

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# Uphill battle

## RFRA backers make slow but steady progress

A broad coalition of U.S. religious leaders has learned during the past year that winning congressional approval of legislation opposed by the U.S. Catholic Conference can be an uphill battle.

For nearly two years, a coalition now comprising 50 religious and civil liberties organizations has been attempting to persuade Congress to approve legislation that would require government to have a compelling reason to restrict religious practice.

The Religious Freedom Restoration Act (RFRA) would restore the "compelling interest" test abandoned by the U.S. Supreme Court in *Employment Division v. Smith*. In that April 1990 decision, a narrow court majority held that government can restrict religious freedom as long as religion is not singled out for adverse treatment.

Despite virtually across-the-board support for the measure, the coalition has faced tough sledding in the face of opposition by the Catholic Conference and the National Right to Life Committee, groups that contend the proposal would somehow advance abortion rights.

"The primary obstacle to RFRA continues to be the spurious charge that the bill would somehow tilt the playing field in favor of abortion," said Baptist Joint Committee General Counsel Oliver S. Thomas, who chairs the coalition.

"Nothing could be further from the truth," he said. "RFRA is scrupulously neutral on all free exercise issues and will simply restore the law as it existed prior to the Supreme Court's *Smith* decision."

Thomas said the nation's leading academics and the Congressional Research Service have concluded that the measure is abortion neutral. He noted that it enjoys the support of many of the nation's pro-life groups, including the Southern Baptist Convention Christian Life Commission, the National Association of Evangelicals, the Traditional Values Coalition, the Christian Action Council, the Christian Legal Society, Concerned Women for America and the Mormon Church.

"Interestingly, most pro-life members of Congress agree with our analysis but have been unwilling to endorse RFRA because the United States Catholic Conference has steadfastly refused to endorse the bill," Thomas said.

If the Catholic bishops joined other religious groups in support of the measure, Thomas said, it would be approved within months.

"What makes the current situation unfortunate and so frustrating is that the bishops' interpretation of RFRA is at odds with that of even the nation's leading pro-life scholars," he said.

The Catholic Conference has declined to support legislation restoring the compelling interest level of protection for free exercise claims unless the legislation exempts challenges to abortion restrictions, to the use of tax funds by religious groups and to the tax-exempt status of organizations from the heightened protection.

Members of the coalition, which runs the gamut from liberal to conservative organizations, argue that only legislation that does not single out specific free exercise claims for enhanced or diminished protection has a chance of passage.

"I think we can pass this bill without the support of the Catholic bishops, but as we have seen, it will be difficult," Thomas said. "If, however, the bishops succeed in convincing the president to veto this bill, it would be exceedingly difficult to override."

Thomas said he thinks it would be difficult for President

*"Many think the bishops are holding religious liberty hostage to their own private agenda and have been resentful of their refusal to support the restoration concept."*

— Oliver S. Thomas



George Bush to veto the measure because more pro-life groups support it than oppose it and because "it does nothing more than restore the law to what it has been for more than 30 years; but I never like to underestimate the power of the bishops," he said.

The Catholic Conference's opposition has been a "low point" in interfaith work, he said.

"Many think the bishops are holding religious liberty hostage to their own private agenda and have been resentful of their refusal to support the restoration concept," Thomas said.

Thomas also said the National Right to Life Committee's efforts to turn the RFRA discussion into an abortion debate have had an effect.

"Many pro-life members have told us frankly that they cannot afford to go up against the NRLC in the next election," he said. "I have a hard time understanding that fear, given that many strong pro-life groups, like the Southern Baptist Convention, support the bill."

The coalition is hopeful Congress soon will begin to move on RFRA. Hearings on H.R. 2797 are scheduled May 13-14 in the House Subcommittee on Civil and Constitutional Rights. The measure was introduced in June by Rep. Stephen J. Solarz and now has 173 co-sponsors.

A delay since the first of the year in getting the measure introduced in the Senate illustrates the challenge faced by the coalition, which has been counting on Judiciary Committee stalwarts Joseph R. Biden, D-Del., and Orrin G. Hatch, R-Utah, to push the measure. Both senators sponsored the original version of the legislation in the previous session of Congress.

"As soon as you get one end of this problem nailed down, the other end pops up," Thomas said. "We thought we were having problems with Sen. Hatch. He now is solidly on board, but last Friday (March 13), Sen. Biden indicated he had some questions that needed to be resolved before he introduced the bill."

"I don't know what those questions are but I have to assume they are related to the bishops' concerns about abortion."

Despite the setbacks and remaining uncertainty about the proposal's chances, the coalition members may eventually win the battle to restore the high level of protection to free exercise rights. But after nearly two years of struggle, they doubtless will be convinced that the effort was more difficult than it should have been. □

— Larry Chesser

## VIEWS OF THE WALL

Oliver S. Thomas  
General Counsel



Two years have passed since the Supreme Court wreaked havoc on the free exercise clause in *Employment Division v. Smith*. Some thought the Native Americans would win that case; some thought they would lose. But, no one thought the Supreme Court would abandon the three-decades-old test used to evaluate free exercise claims.

After all, these were "conservative" justices—advocates of "judicial restraint," critics of so-called "liberal activist" judges, Reagan appointees. Surely, they would not gratuitously decide an issue that wasn't before the court—one that hadn't even been briefed or argued.

But, they did. In an outburst of judicial activism, Justice Antonin Scalia moved the nation's "first liberty" to what noted church-state attorney William Bentley Ball has described as the back of the constitutional bus. No longer can free exercise claims be made against a facially neutral, generally applicable law. Only if religion is targeted or singled out for discriminatory treatment can a free exercise challenge be raised.

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***"Without RFRA, the religious community is defenseless against government regulation."***

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As a result, legislatures cannot pass laws forbidding Catholics from attending mass or Native Americans from eating peyote, but they can enact legislation that is just as bad. For example, a public school could not adopt a policy that prohibited Jewish schoolboys from wearing yarmulkes, but it could adopt a policy that prohibited students from wearing hats or head coverings of any kind, including yarmulkes. The bottom line of *Smith* is whoever wins in Congress, the legislature or the city council meeting wins on the constitutional issues as well. It is majoritarianism pure and simple—relegating fundamental constitutional rights to the vagaries of the political process.

Dozens of free exercise cases have been decided since *Smith*, with religion winning in a handful. Several of those decisions are based upon provisions in state constitutions that afford more generous free exercise protection.

The court has been asked to work similar mischief on the establishment clause,

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***"In an outburst of judicial activism, Justice Antonin Scalia moved the nation's 'first liberty' to what noted church-state attorney William Bentley Ball has described as the back of the constitutional bus."***

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the clause governing such divisive issues as school prayer, public financial aid to parochial schools and "scientific creationism." In *Lee v. Weisman*, the Rhode Island commencement prayer case, the Supreme Court has been asked to abandon the time-tested principle of government neutrality toward religion and to adopt a posture that would allow government to endorse, support and sponsor religion in non-coercive ways. Under the "coercion test" proposed by the Justice Department, the government literally could sponsor non-denominational worship services as long as no one was forced to attend.

Four justices appear poised to abandon the principle of government neutrality or church-state separation: Chief Justice William Rehnquist and Associate Justices Byron White, Antonin Scalia and Anthony Kennedy. Only Justices Harry Blackmun, John Paul Stevens and Sandra Day O'Connor can be counted on to adhere to the separationist position. Justices David Souter and Clarence Thomas are question marks.

The common theme in both *Smith* and *Weisman* is deference—deference by the judiciary to the political branches of government. In short, fundamental constitutional rights are being put to majority vote. This is why the Baptist Joint Committee joined the fray in *Lee v. Weisman* and why we are now chairing the Coalition for the Free Exercise of Religion—a coalition of 50 religious and civil liberties groups.

What can be done about the apparent erosion of religious liberty?

Congress can pass the Religious Freedom Restoration Act (H.R. 2797) to repair the damage caused by *Smith*. RFRA would restore the requirement that government demonstrate a compelling interest before restricting religious practices. Because it would affect religious issues across the board—ranging from zoning disputes to discrimination claims—RFRA is the most important bill

affecting religion in our lifetimes. The bill now has 173 bipartisan House cosponsors and is expected to be introduced soon in the Senate by Sens. Joseph Biden, D-Del., and Orrin Hatch, R-Utah. Without RFRA, the religious community is defenseless against government regulation.

Unlike the case with free exercise, there is no consensus on interpreting the establishment clause. Americans, like their Supreme Court, are sharply divided over the concept of non-establishment. Some argue for government support for religion while others support the traditional principle of governmental neutrality. As a result, separationists will have to organize at the national, state and local levels to ensure that religious liberty and its corollary, church-state separation, are protected by law.

Separationists have proven they can do this effectively, as demonstrated by their resounding defeat of the president's proposed voucher scheme for private and parochial schools. Separationists have enjoyed similar victories at the state level. Oregon voters, for example, recently defeated a parochial aid proposal by a margin of more than two-to-one.

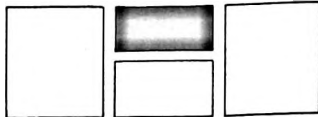
In addition to a legislative strategy, Baptists and other separationist groups can continue to litigate on the basis of state constitutions. California, Missouri, Washington and many other states have constitutional provisions that require a stricter separation of church and state than does the First Amendment's establishment clause. Such a provision was recently used by the Virginia Supreme Court to strike down the issuance of public revenue bonds to Jerry Falwell's Liberty University.

Chicken Little was wrong. The sky is not falling. Through effective education and organization, a comprehensive legislative initiative at all levels of government and a creative litigation strategy utilizing state constitutions, we can ensure what we have enjoyed for decades—religious liberty for all Americans. □

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***"Chicken Little was wrong. The sky is not falling.... We can ensure what we have enjoyed for decades—religious liberty for all Americans."***

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## Administration abandons donor reporting proposal

**A** top Treasury Department official says the Bush administration has abandoned its proposal to require churches to report to the Internal Revenue Service donors who give more than \$500 annually.

Desiree Tucker-Sorini, assistant secretary for public affairs for the private sector, told Baptist News Service the department is continuing to consider ways to improve tax compliance among taxpayers who claim charitable gift deductions but is looking at alternatives to the reporting requirement. If the administration pursues a plan requiring charitable organizations to report donors, churches would be excluded, she said.

Treasury officials said the reporting requirement, part of the administration's 1993 budget package, was proposed to help the IRS catch taxpayers who overstate the amount of their charitable gifts. Administration officials believe taxpayers overstate such gifts by as much as \$5 billion annually. Treasury officials said the reporting requirement would help the IRS distinguish between payments to charities for services and consumer goods and actual gifts to charities.

Tucker-Sorini's comments came after the administration sent confusing signals about the proposal. The confusion arose when Fred T. Goldberg, assistant secretary for tax policy, assured representatives of religious and other non-profit organizations that the church reporting proposal was off the table on the same day (March 5) that White House Chief of Staff Samuel K. Skinner told *The New York Times* it remained under consideration.

In response to the confusion created by Skinner's remarks, Goldberg drafted a letter clearly stating that the administration would not pursue the reporting requirement for churches, according to Baptist Joint Committee General Counsel Oliver S. Thomas. He said Goldberg read the letter to him, and Thomas described it as a "good, strong letter that makes it clear any reporting requirement for non-profits would not apply to churches, synagogues and other religious institutions."

"While the administration has not yet fulfilled its promise to release the letter, I am convinced the issue is dead for now," Thomas said.

Churches are exempt from existing reporting requirements that apply to other non-profit charitable organizations. Church representatives opposed the new reporting proposal because of concerns that it would create an enormous book-keeping burden for churches and would put churches in the position of acting as agents for the IRS. □

### Lobbying legislation could burden churches

The prophetic ministry and public advocacy of churches and religious organizations could be burdened if a recently introduced Senate bill becomes law.

However, the bill's sponsor, Sen. Carl Levin, D-Mich., told a Baptist Joint Committee representative that he did not intend the bill to impact the religious community.

Levin introduced the Lobbying Disclosure Act of 1992 (S. 2279) to require lobbyists to register and report an array of information about their activities.

The bill defines a "lobbyist" as anyone who is retained by another to perform services that include lobbying contacts. A "lobbying contact" is defined as any communication, on behalf of a client, with a government official designed to influence legislation, regulations or policies.

While the bill exempts the press, churches and other religious organizations are not exempt.

In a letter to Levin, BJC General Counsel Oliver S. Thomas said that the bill violates the time-honored principle of church-state separation.

"When churches and religious organizations speak out on public issues and communicate those sentiments to government, they are engaging in a central part of their prophetic and pastoral ministries," Thomas wrote. "Thus, these activities are protected by the free exercise clause of the First Amendment. The all-inclusive provision of S. 2279 represents a significant impediment to our moral advocacy."

"Further, the registration and reporting requirements of the bill and the supervisory and monitoring functions which it gives to government will result in excessive entanglement between

church and state in violation of the no establishment clause of the First Amendment," Thomas continued.

Most religious organizations take seriously the right to speak to government and would not engage in what the Internal Revenue Service considers to be "substantial" and therefore an inappropriate amount of lobbying, Thomas said. He also noted the regulation of religious organizations would be particularly offensive because the bill exempts the media.

In a recent meeting, Levin assured Thomas that he did not intend the bill to apply to churches and synagogues, Thomas said.

"To the contrary, he (Levin) feels nothing should be placed in the bill that implies government has power to regulate the moral advocacy of religious institutions," Thomas said.

"Unfortunately, the Supreme Court's cramped reading of the free exercise clause in *Oregon v. Smith* (an April 1990 decision that said government need not demonstrate a compelling interest before restricting religious exercise) means Senator Levin's bill would probably be interpreted as applying to churches."

Thomas said there are two solutions to the bill's potential problems. First, the bill could be amended to exempt churches and other religious organizations. Second, Congress could swiftly enact the Religious Freedom Restoration Act (H.R. 2797) that is designed to restore the high protection lost in *Smith*. The passage of RFRA should be coupled with statements by Levin acknowledging that the bill does not apply to churches, he said.

"We welcome the recognition that churches should be exempt from this requirement," said James M. Dunn, BJC executive director. "The proclamation of the gospel and worship always have social and political implications. An integral part of the mission of the church is her public witness."

"Therefore, it is none of the business of government to define, manage or regulate the nature and purpose of the church," Dunn added. "A free and prophetic pulpit is at least as sacred in our society as a free press." □

### Bush restates support for religious liberty

President George Bush restated his support of religious liberty and his opposition to abortion in remarks at a recent evangelical gathering.



Addressing the 50th annual meeting of the National Association of Evangelicals in Rosemont, Ill., Bush said it is "no accident that in drafting our Bill of Rights, the Founders dedicated the first portion of our First Amendment to religious liberty."

Bush said both religion clauses are important.

"We rightly emphasize the opening clause of that amendment, which forbids government from establishing religion," he said. "In fact, I believe the establishment clause has been a great boon to our country's religious life. One reason religion flourishes in America is that worship can never be controlled by the state."

But Bush said the free exercise clause too often is ignored.

***"It is distressing that President Bush has once again linked religious liberty with prayer in public schools and aid to parochial schools."***

**— Robert Lifton, President American Jewish Congress**

"This myopia has in some places resulted in an aggressive campaign against religious belief itself," he said.

"Some people seem to believe that freedom of religion requires government to keep our lives free from religion. Well, I believe they're just plain wrong."

Bush insisted government must never promote a religion but that it is "duty-bound" to promote religious liberty.

He went on to assert his "conviction that children have a right to voluntary prayer in public schools" and express his support for tax vouchers to help parents send their children to private and religious schools.

While the president's remarks drew frequent applause from the evangelical crowd, his school prayer and parochial school aid comments drew criticism from religious liberty organizations.

"It is distressing that President Bush has once again linked religious liberty with prayer in public schools and aid to parochial schools," said Robert K. Lifton, president of the American Jewish Congress. "But it is surprising that, in acknowledging the importance of religious liberty, President Bush failed to mention the Supreme Court's disastrous *Employment Division v. Smith* decision, which virtually eliminated the free exercise of religion from the First

Amendment as an enforceable legal right."

Lifton also criticized Bush for his failure to endorse the Religious Freedom Restoration Act (H.R. 2797), a proposal he said would "undo the damage done in *Smith*" by restoring the judicial standard that prevented government from curbing religious exercise without a compelling reason.

Lifton noted that the legislation is supported by NAE, as well as the American Jewish Congress and a broad coalition of religious and civic groups, including the Baptist Joint Committee and the SBC Christian Life Commission. □

## **Supreme Court rejects nude dancing dispute**

The U.S. Supreme Court has declined to review lower court rulings that affirmed a Florida county's adult entertainment zoning ordinances.

The Broward County zoning ordinances were challenged by operators of Thee Dollhouse III, a nightclub whose primary form of entertainment is non-obscene nude dancing, according to both parties in the lawsuit. The ordinances prohibit adult nightclubs within 500 feet of a residential district and within 1,000 feet of a church and require such clubs to be located within special zoning districts.

Court records show that the nightclub is within 500 feet of residential properties and about 885 feet from a church.

In affirming a federal district court decision siding with Broward County, the 11th U.S. Circuit Court of Appeals said the ordinances served the "substantial" government interest of protecting the quality of urban life from the secondary effects of adult businesses; were narrowly tailored to serve that interest; and that alternative locations for the adult business were available within the county.

Without comment, the high court declined to hear the nightclub's appeal. The case is *International Eateries of America, Inc., v. Broward County*. □

## **Americans United leader to leave for pastorate**

Robert L. Maddox has resigned as executive director of Americans United for Separation of Church and State to become pastor of Briggs Memorial Baptist Church in Bethesda, Md.

Maddox, 54, joined the Americans United staff in 1984. □

## **Supreme Court rejects religious school's claim**

The U.S. Supreme Court has refused to hear a Virginia religious school's claim that its free exercise rights were violated by enforcement of local zoning and fire regulations.

Operators and patrons of Fairfax Christian School charged in a 1989 federal district court lawsuit that their constitutional rights were violated when enforcement of zoning and fire regulations prevented them from locating and operating the school at the sites of their choice in Fairfax County.

The school, founded in 1961 by the Rev. Robert L. Thoburn, was operated at a rural Fairfax County site for 20 years until that site was sold in 1984. School officials then were unsuccessful in their efforts to obtain special exceptions to build or operate the school at various residential sites in the county.

School officials complained that their free exercise, equal protection and due process rights were violated, along with their right to be free of an established religion.

A federal district court granted a motion for a directed verdict in favor of the local jurisdictions named in the lawsuit—Fairfax County and Vienna, Va., a city in Fairfax County.

The 4th U.S. Circuit Court of Appeals affirmed the district court's ruling, concluding that the "various zoning and public health and safety policies at issue here did not violate the constitutional rights" of the school officials and patrons.

Noting that the zoning rules permit private schools to locate at commercial and industrial sites without obtaining special exemptions, the court said the plaintiffs failed to establish the first element of a free exercise claim by proving that the zoning and fire rules burden their exercise of religion.

The appeals court said the fact that the zoning laws made it more difficult for the religious school to locate on property of its choice did not prove that the plaintiffs' free exercise rights were burdened.

In rejecting the plaintiffs' contention that Fairfax County's and Vienna's actions violated the First Amendment's ban against a governmental establishment of religion, the appeals court cited Supreme Court decisions that the establishment clause did not exempt religious organizations from governmental activities such as fire inspections and zoning regulations. □



James M. Dunn (center) displays front-page news coverage of the Bush administration's proposal that churches be required to report to the IRS donors who give more than \$500 annually.

## BJC to launch endowment drive

**A**t the direction of its executive committee, the Baptist Joint Committee will launch a multi-year endowment campaign aimed at ensuring a solid financial foundation for the Washington-based religious liberty agency.

In other actions at its March 2 meeting, the BJC executive committee approved a resolution opposing the Bush administration's now abandoned proposal to require churches and other organizations to report to the Internal Revenue Service the contributions of donors who give more than \$500 annually and signed a letter asking members of Congress to co-sponsor the Religious Freedom Restoration Act (RFRA)—legislation that would restore the requirement that government demonstrate a compelling reason to limit religious exercise.

The decision to endow the work of the BJC comes after one of the agency's founding national member bodies, the Southern Baptist Convention, withdrew its financial support, about half the agency's annual operating budget.

BJC Executive Director James M. Dunn said that in response to "the defection of current Southern Baptist leaders from the cause of church-state separation and the denial of funding for the Baptist Joint Committee, thousands of Baptists who value their heritage are determined to maintain a strong voice for the historic Baptist witness to religious liberty and separation of church and state."

Dunn added that recent events, "such as the BJC's early warning regarding the

Bush administration's demand that all churches report their donors to the IRS and the necessary political action that resulted in the proposal being withdrawn, demonstrate the cost-effectiveness of the BJC. This one action alone saves churches across the land millions of dollars and underscores why this work should be endowed."

BJC Director of Denominational Relations and Development John Womble said campaign activities will begin immediately.

"We will be moving forward promptly to further identify and enlist leadership," he said. "These leaders will assist us in structuring the campaign and soliciting pace-setting gifts. While a specific dollar amount has not yet been set for the first year, this will be a multi-year program that we anticipate will result in an endowment exceeding \$5 million."

In its resolution the executive committee said the church reporting proposal

See Endowment, Page 11

*BJC board president Tyrone Pitts presides over his first executive committee meeting March 2 in Washington. Pitts is executive director of the Progressive National Baptist Convention, Inc.*



# BJC files brief in solicitation dispute

The Baptist Joint Committee and nine other religious and educational organizations have asked the U.S. Supreme Court to reverse a lower court ruling that banned religious solicitation at New York area airports.

In a brief written by Edward McGlynn Gaffney Jr., dean of the Valparaiso University School of Law, the religious groups sided with the International Society of Krishna Consciousness in its dispute with New York authorities over a ban on solicitation and distribution of literature.

After the trial court struck down the ban as unconstitutional, the 2nd U.S. Circuit Court of Appeals issued a divided ruling, holding that in-person solicitation of funds could be banned in airport terminals but that distribution of literature, viewed as a less disruptive activity, must be allowed.

Gaffney's brief argues that the ban implemented by New York officials is not neutral but takes aim at an unpopular religious group.

The officials, Gaffney wrote, have "singled out the unpopular speech of a vulnerable religious minority for dispa-

rate treatment, subjecting the devotees of the Hare Krishna faith to regulation that it would never dream of imposing upon President (George) Bush or Governor (Bill) Clinton when they come to New York to campaign for the presidency, or upon traveling salespersons coming to the hub of commerce from around the globe to negotiate lucrative business deals."

The brief argues that solicitation of support and distribution of religious literature are well-established practices protected by the First Amendment and that religious groups are entitled to as much free speech protection as those involved in commercial and political speech.

Additionally, the brief contends that the government's stated interest in the regulation—keeping terminal passageways free for the convenience of travelers—does not justify singling out religious speech for disparate treatment. The brief states that its signers "deny that government ever could have a compelling interest in forbidding for religious purposes an activity it permits for secular purposes."

Finally, the brief asks the high court to clarify that its 1990 ruling in *Employment Division v. Smith* "does not countenance official hostility toward religion."

BJC General Counsel Oliver S. Thomas said airports can serve passengers' interests without resorting to the type of ban imposed in New York.

"If an airport is concerned about religionists obstructing traffic or harassing travelers, it may restrict solicitation to a booth," he said. "It may not, however, create a 'First Amendment Free Zone' or discriminate against religious speech as New York has done."

J. Brent Walker, BJC associate general counsel, said the case has implications beyond airport regulation of minority religious groups.

"If the government is allowed to quiet the religious speech of an unpopular religious group, it can do the same to everyone, including Baptists," he said. "This case is particularly important because it will give the court an opportunity to clarify, and hopefully, limit its ruling in *Smith*." □

## Tennessee couple to fill scholar-in-residence posts

Andrew "Jack" and Frances Prince, longtime Southern Baptists, will spend the fall as scholars-in-residence at the Baptist Joint Committee.

Jack Prince, who plans to retire this summer as pastor of West Hills Baptist Church, Knoxville, Tenn., will work with the BJC denominational relations and development department. Frances Prince, assistant commissioner of the Tennessee State Department of Education, will help the BJC with educational and other legislative issues.

At the time of his retirement, Jack Prince will have served 40 years in the pastoral ministry with 32 of those years at West Hills Baptist Church. A native of Stonega, Va., he holds a bachelor of arts degree from Carson-Newman College, Jefferson City, Tenn., and master of divinity and doctor of ministry degrees from Southern Baptist Theological Seminary, Louisville, Ky.

He has served in a variety of denominational leadership positions, including vice president of the Tennessee Baptist Convention.

A native of Athens, Tenn., Frances Prince administers a \$90 million budget with the Tennessee State Education Department. As assistant commissioner, she directs an evaluation program for



J. Prince



F. Prince

teachers and administrators. A 34-year veteran of elementary school teaching, she earned a bachelor of arts degree in music from Carson-Newman College and has done graduate work at the University of Louisville and the University of Tennessee at Knoxville.

She has provided leadership in her local church and denomination.

"A wealth of energy, experience and expertise comes to the BJC with the Princes," said James M. Dunn, BJC executive director. "This sort of gift of themselves is the greatest contribution that can be made to the cause of religious liberty."

The Princes, who have four children, will begin their association with the BJC in September. □

### Endowment

Continued from Page 10

would open the door "to destructive governmental intrusion into religious affairs and unwholesome entanglement between church and state."

The resolution said the proposal "would make churches the government's agent for tax collection, force churches to disclose and report confidential information and require churches to make legal determinations as to the deductibility of contributions."

It also charged that the requirement would be burdensome, particularly for small churches.

In its letter asking members of Congress to support RFRA, the committee said "the First Amendment's free exercise clause is virtually useless" following the U.S. Supreme Court's 1990 decision in *Employment Division v. Smith* that abandoned the long-standing compelling interest test.

"If passed, the measure would not create any new rights or favor any particular religion," the letter states. "It would simply restore the law as existed before *Smith*."

In the House, RFRA (H.R. 2797) has more than 173 co-sponsors and a companion bill soon is expected to be introduced in the Senate. □



## Fellowship eyes European mission work

The Cooperative Baptist Fellowship moved a step closer to doing mission work in Europe March 13 when its Coordinating Council adopted a strategy for partnership with European Baptists and picked its first two "missioners."

Members of the council were told they soon will be asked to employ Charles and Kathie Thomas, the Southern Baptist missionaries to Romania who resigned in January to protest what they said was a new agenda for missions at the Foreign Mission Board.

Jimmy Allen, co-chairman of the council's global missions ministry group, said appointment of the Thomases will await a formal request from the Baptist union in France, where the couple served as FMB missionaries for 17 years and plan to return under Fellowship sponsorship.

Under Fellowship policy for Europe, the moderate-conservative organization will send "missioners" only at the request of the European Baptist Federation and/or the Baptist union in each country.

Allen told council members the Fellowship has already received a "verbal request" from the EBF and the French union. The council likely will be asked to vote on appointing the Thomases at its next meeting.

To lay the groundwork for the Fellowship's European mission effort, the council endorsed the five principles of "mission partnership" adopted by European Baptist leaders in January and voted to negotiate formal contracts defining the "working relationships" with European Baptist groups.

The council also agreed to start an annual global-missions offering to help fund their projects. The global missions ministry group, which expects to spend about \$900,000 on worldwide projects in 1992, asked the council to budget \$2.5 million for the expanded mission efforts in 1993, with half of that earmarked for European missions.

At its last meeting in January, the Coordinating Council voted to hire Southern Baptist missionaries in Europe who are dissatisfied with the current direction of the FMB and who fit into the Fellowship's strategy for Europe.

Meanwhile, Charles and Kathie Thomas, who last September became Southern Baptists' first missionaries in Romania, resigned in January in protest of the FMB's defunding of the Baptist Theological Seminary at Ruschlikon,



Leaders of the Cooperative Baptist Fellowship gather outside the Baptist Theological Seminary in Ruschlikon, Switzerland. Fellowship representatives recently took a fact-finding trip to Ruschlikon, and the group is developing relationships with Eastern European Baptists. (Greg Warner photo)

Switzerland. The defunding represented an abandonment of traditional mission philosophy by FMB trustees, the Thomases said.

John Hewett, Fellowship moderator, and other Fellowship leaders met with Charles Thomas while on a February fact-finding trip to Europe, which led to the decision to appoint the Thomases.

In addition to appointing the Thomases, the Fellowship's strategy calls for hiring a state-side missions coordinator and European-based coordinator for missions on the continent. No candidates were announced, but Fellowship leaders acknowledge they would like to hire Keith Parker, former FMB area director for Europe, to fill the overseas post.

Parker and Isam Ballenger, FMB vice president for Europe, the Middle East and North Africa, announced in January they will take early retirement because they can no longer work with FMB trustees, whom the pair said are using the FMB to pursue a fundamentalist "global agenda."

Although both Ballenger and Parker were forced by trustees to leave their FMB duties earlier than planned, both are still on the FMB payroll.

Ballenger is expected to be elected to the faculty of the Baptist Theological Seminary at Richmond (Va.) in April.

Allen acknowledged the Fellowship has received "free consultation from Isam Ballenger and Keith Parker" in drafting its European strategy.

Fellowship leaders said adopting the European statement of principles for mission partnership was critical for the future of the Fellowship's work in Europe.

The statement was drafted by leaders of 22 national Baptist unions in Europe, who met in Dorfweil, Germany, in January. It is a response to the FMB's defunding of the Ruschlikon seminary, which is owned by the European Baptist Federation.

The European leaders said they consider the principles to be essential for any "real partnership" in missions and asked the FMB for response. Trustees of the FMB did not respond to the statement specifically but said they are open to discussing future relationships with the Europeans.

"The Foreign Mission Board absolutely gave the back of their hand to the Dorfweil statement," said Hewett, pastor of First Baptist Church of Asheville, N.C.

The five principles for partnership call for mutual respect and courtesy, spiritual freedom that recognizes diversity, moral integrity that honors commitments made, genuine consultation that aims at mutual consent, and reciprocal sharing "in which the partners learn, work and grow together."

"What we're saying is those principles are our principles," Hewett said before the statement was adopted unanimously by the council.

Participants in the Fellowship's general assembly, set for April 30-May 2 in Fort Worth, Texas, will be asked to approve the partnership statement, as well as the Fellowship's purpose and strategy statement for global missions. □



## Threats and violence on the rise in Guatemala

### GUATEMALA CITY

The Rev. Andres Giron, a congressman, human rights activist and Roman Catholic priest, was awakened recently by the fire of automatic weapons against the door of his home in Nueva Concepcion, south of here.

The gunfire was followed by a loud explosion near his front gate. No one was injured.

After the incident Giron said he may leave the country; he believes the violence is the work of right-wing groups or military men angry over his work with the poor and his efforts in congress to have land redistributed from the wealthy to peasant farmers.

He said the attack followed a year of death threats and underscores a recent rise in violence against social and religious workers, labor leaders and university teachers—the same violence so common in early the 1980s.

"I want to (announce) to the international community that human rights in Guatemala are a farce because here they kill people who are only clamoring for social justice," Giron said. "I have fought for land for the poor, against forced military recruitment, for social justice, and an effective justice system, and this is what happens."

Giron took his concerns to Interior Minister Fernando Hurtado Prem who promised to "review the matter."

Combat in the countryside has grown more intense in the last month, especially since eight rounds of peace talks held since last April to end a 31-year-old civil war have led to no agreements.

In mid-February, 18 missionaries from seven districts of the United Methodist Church in the United States, working in the conflictive state of Quiche, were stopped and assaulted by four men. According to witnesses, some were tied to a tree while the men stole documents, money and jewelry from them.

In another incident, a history professor was murdered, and several other professors and students have fled the country following death threats, leading Alfonso Fuentes Soria, the head of the country's largest public university, San Carlos, to denounce what he called a wave of terror.

In a rare statement against violence, the Conference of Evangelical Churches of Guatemala said, "We want to express our concern about the insecurity in which Guatemalans are living because of

the violence. These killings and threats show that it is not sufficient only to capture the perpetrators of this violence but to change a series of structures and doctrines and a way of thinking that will allow the people to live under an authentic justice."

Both the Evangelical Conference and the Catholic Church's Archdiocese of Guatemala have called on congress and the president to investigate the recent rash of threats. □

## Canadian leaders challenge government

### VANCOUVER, B.C.

Religious leaders in Canada are raising strong objections to a proposed new constitution that has the support of the nation's Conservative government.

The latest statement to emerge on the document, under revision for more than a decade, was issued last week by the Canadian Council of Churches.

Church leaders engaged in the debate said they want a constitution that recognizes Quebec's distinctiveness as a culture, that grants self-governance to natives and that addresses the needs of society's "marginalized" citizens.

The council, which represents 5 million Canadian churchgoers in 17 denominations, said the Conservative proposal falls short on all three counts.

The statement echoes concerns expressed recently by other church groups, including the United Church of Canada, the nation's largest Protestant body; the Catholic bishops of Ontario; and leaders of British Columbia's Catholic, United, Anglican and Lutheran churches.

In its statement, the Council of Churches said Canada should recognize "the right in international law to self-determination for distinct peoples."

The council also criticized government proposals for emphasizing the rights of individuals over society, including property rights, and for sanctioning economic competitiveness.

The council said fair distribution of wealth should take precedence over individual rights as a way of securing the common good of all Canadians.

The statement by the United Church, submitted to the special joint committee of Parliament on a renewed Canada, recommended that "Canada's aboriginal peoples fully participate in a constitutional process that recognizes their inherent right to self-government" and that Quebec be recognized as "a distinct society." □

## NEWS-SCAN

More than 100 British church leaders, including 16 bishops of the Church of England, several Roman Catholic bishops and heads of religious orders, recently signed a declaration protesting the British government's intent to continue with plans to deploy Trident nuclear missiles on submarines. The Trident missiles replace an earlier generation of missiles, and the first Trident-equipped submarine was scheduled for launch in early March. The protest is based, in part, on the changing political conditions in the former Soviet Union and other countries of Eastern Europe and the conviction of the religious leaders that the country is escalating its nuclear capability at a time when it should be reducing such weapons. ... Archbishop of Canterbury George Carey said in recent interviews that he hopes to steer the Church of England safely through its most difficult crisis in a century. Carey said he is uncertain which way the debate will go when the church's General Synod votes in November on female priests, but he knows that, either way, there will be wounds to heal. "I find the case for the ordination of women more compelling than the case against it," he said in an interview published in London's *Daily Mail*. But, he added, "I know a lot of people will lose out, and we are going to have to care for them. I've somehow got to steer this ship through the straits and bring it safely out the other side." ... The Interfaith Center on Corporate Responsibility is hailing recent decisions by four major U.S. corporations to make no new investments in South Africa until further changes occur that would guarantee transition to a non-racial, democratic form of government. Approving statements in the past two weeks against new investments in South Africa, according to the Interfaith Center, were Westinghouse, IT&T, Bristol-Myers, Squibb and Pfizer. The firms' decisions come in the wake of the repeal of a number of South African laws that provided the underpinnings of the apartheid system. Anti-apartheid activists have encouraged continued pressure on South Africa until far more fundamental changes occur, such as giving blacks the right to vote in national elections. □

Compiled from staff and news service reports, including Religious News Service, American Baptist News Service, Associated Baptist Press and European Baptist Press.

## Reviews

Continued from Page 16

closely linked with one's religious experience.

By their own design the authors have targeted three main audiences: scholars in such fields of sociology, religious studies, political science and history; religious and denominational leaders; and leaders of the voluntary sector, such as foundation officials and other non-profit executives. It would be a valuable book for all these persons, as well as for the general reader who desires to explore further the relationship between faith and giving. □

—Gordon L. Northcutt  
BJC Development Assistant

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200 Maryland Ave., N.E. Washington, D.C. 20002

The creative tension between the institutions of government and religion have seldom been so massively misunderstood.

## REFLECTIONS

James M. Dunn  
Executive Director



How could it possibly happen?

Hearers of every stripe ask incredulously how the White House could propose such a draconian measure for all the churches.

Buried deep in the budget presented by President George Bush was the proposal that all churches report to the Internal Revenue Service every individual who gives as much as \$10 to the church in a year's time. And worse, the churches were asked to assess the deductibility of these contributions—effectively turning the church into a part-time agent of the government.

Well, the battle is over. After nearly a month of news stories, political heat, public protest, contradictory signals from the administration, conferences and exchanges of correspondence, it is clear that the Treasury Department has been up on this ill-conceived plan to use the churches. Yet, how did it happen and why?

First, it is fair to admit that some people cheat, claiming charitable deductions every check written to the local church and thereby "laundering" payments for child care, education or other non-deductibles. Heaven alone knows how much of that goes on. The Internal Revenue Service would like that information but does not have jurisdiction in that area.

Second, that regard the entire religious enterprise in America must bear some responsibility. By far the most important duty of all churches is to instill values, to teach honesty, to emphasize ethical conduct, to make the connection between religious belief and moral behavior. Beyond that, the religious community will be sensitive to its opportunity to help individuals understand the law of the land, know what they need to know to be law-abiding taxpayers and good citizens. Certainly no pastor, priest or rabbi wants to encourage tax evasion. Surely many churches are willing to participate voluntarily in an educational campaign to help people know how to "render unto Caesar the things that are Caesar's."

But the remarkable budget proposal was not justified to a few cheaters in a small percentage of the 350,000 churches, synagogues, temples and mosques in America. Right. How then could it happen?

Working across the street from Congress for almost a dozen years now, I've noticed that two recurring conditions prevail when government gets out of bounds. These two factors almost always play a part whether it is an attempt to "redefine" church, "to tax a part of the churches' ministry," to "hijack the free pulpit," to "help" the churches in their social work or to bring religion under some new regulation. The first precondition for bad stuff out of Congress or the Executive branch is the near universal ignorance of religion in America on the part of specialists in other fields. The scope of religious institutions and the number of people actively involved in religious life always seem to surprise the congressional committee staff drafting legislation or regulation. Specifics like the size of the average congregation, the number of ministers, the colleges and universities tied to churches, the magnitude of the missionary venture are all far beyond the imagination of persons plugged into the government grind.

Quite often after getting acquainted with the nameless, faceless bureaucrat behind some bungle, the individual is discovered to be a fine, caring person who just had not

thought things through. Sometimes the person pushing a proposal is himself/herself church-related and like most other church members woefully uninformed or underinformed.

The other precondition for government fiascos facing religion is a common failure to understand the role of the churches regarding public policy. The creative tension between the institutions of government and religion have seldom been so massively misunderstood. That misunderstanding is exacerbated by deliberate efforts. There are those who are uncomfortable hearing anything from the churches regarding public concerns.

Some on the conservative side still have not forgiven the churches and that "National Council of Churches crowd," as it is so often put, for Christian leadership in the civil rights movement, opposition to the Vietnam War and a host of other liberal causes in the 1960s and 1970s.

Some on the liberal side of the picture are totally convinced that the TV evangelists and the Religious Right are determined to enforce their own agenda on the nation regarding abortion, homosexuality and a range of conservative concerns that surfaced big in the 1980s.

So, technocrats with little understanding of the American way in church-state relations and no appreciation for the First Amendment to the U.S. Constitution say "a pox on both their houses." They proceed to write laws, draft guidelines or formulate regulations as if the churches did not exist.

I don't think this insensitivity to religion is some evil manifestation of a secular humanist conspiracy. I don't believe for one moment that the vast majority of these often idealistic, sometimes underpaid, regularly overeducated and overdedicated bureaucrats and congressional staffers are instruments of Satan. A good number of them are regularly in church.

They do need to be on guard against those who would use government to advance religion. There is a brand of timid theocrat around today spouting rhetoric about this "Christian nation," revising history to make Ben Franklin a saint and wanting to get public monies for parochial purposes. I'm glad that public servants are on the lookout for these folks.

They also need to watch out for the one who is hostile to the churches, the one who would sock it to the churches, ignoring the tax incentives in place for the entire non-profit sector. There is a brand of rigid technocrat who seems oblivious to the role of religion in American life and the lively dialogue made possible by the no establishment clause that keeps church and state separate.

So, pity the poor staffer, the undersecretary to the associate of the deputy poobah. Have mercy on the bureaucrat trying to do his/her job always knowing more and more about less and less.

Theocrats to the right of them, technocrats to the left of them, that's how something like the Bush reporting proposal can happen.

Now I think I understand how it happened.

But let's not let it happen again. □

# REVIEWS



## The Nonprofit Lobbying Guide: Advocating Your Cause—and Getting Results

By Bob Smucker  
Jossey-Bass Publishers  
San Francisco, 1991, 148 pages.

Bob Smucker is vice-president for governmental relations for Independent Sector, an umbrella coalition representing 830 foundations and charitable institutions. He has written an invaluable primer on lobbying by non-profit organizations, including churches and religious organizations, at the state, local and national levels.

This guide is written in everyday language and steers clear of the technical shorthand jargon of professional lobbyists. It can be understood and applied by anyone who wants to learn how better to represent a non-profit organization before legislative bodies.

Smucker's nuts and bolts approach contains a wealth of practical information. He talks about grassroots organization and legislative "networking," as well as working in coalition with other groups to increase the credibility of one's position. The author gives practical tips on how to write letters, make personal visits, give testimony before committees and make phone calls that will maximize results. Smucker also has a very helpful chapter, "Lobbying Through the Media," in which he outlines the benefits of press releases, letters to the editor, as well as radio and television opportunities.

In the last two chapters, Smucker gives an overview of the lobbying laws and regulations within which non-profits must work. The chapter on the 1976 lobbying law, which seeks to define the amount and type of lobbying that a non-profit can engage in without losing its tax exemption, will be of only marginal interest to churches and related organizations. Churches, their integrated auxiliaries, and conventions or associations of churches are exempted from this provision. Smucker also includes a special section on "electioneering." Non-profits (including religious organizations) cannot support candidates for public office without jeopardizing their tax-exempt status. This chapter does a good job of tracing the parameters of that prohibition.

Finally, this information-packed contains a 36-page appendix that includes a helpful lobbying checklist, and answers on the law governing

lobbying, and samples of press releases, legislative alerts and other media advisories.

Members of non-profit organizations, particularly those whose religious convictions impel them to engage in public advocacy, should read this useful book and keep it on the desk at all times. □

— J. Brent Walker

BJC Associate General Counsel

## Faith and Philanthropy in America

By Robert Wuthnow and Virginia Hodgkinson & Associates  
Jossey-Bass Publishers,  
San Francisco, 1990, 327 pages.

The field of fund raising and philanthropy already has a plethora of books devoted to understanding donors, analyzing why people give and the fundamentals of philanthropy. However, as the authors of this recent text point out, inadequate attention has been given to the links between religious faith and philanthropy. Robert Wuthnow, Virginia Hodgkinson and other scholars from the Independent Sector have done a masterful job of exploring these links and expanding upon how religious belief impacts giving tendencies.

The book (actually a series of essays) is divided into three sections: 1) an overview of giving in relation to religion, 2) an analysis of giving patterns in major faith traditions and 3) a discussion of the future role of religion related to philanthropy.

In laying the groundwork, the authors point out the uniqueness of the American experience, where unlike any other country or culture, the strong combination of religious diversity and religious commitment mesh into a powerful setting for religion's role in providing resources for the welfare of humanity. In the next chapter they explore the social space that religion carves out for itself in a complex society.

As a fundraiser, I found most interesting the discussion of wealth and the spiritual secret of money. The authors' three-step analysis follows "that 1) if

wealth affords individuals the ability to have what they want and 2) if philanthropy can be understood as the transformation of time and money from a pool of wealth into a disposable gift to others, then 3) religion—as it takes form in ... the spirituality of money—motivates, or spurs, philanthropy, in amount and type, by shaping the quality of the wants or desires among the wealthy. If the wealthy generally have what they want, it is the realm of spirituality that directs their wants into a bond of care for others." (p. 64) Wuthnow and Hodgkinson then provide an excellent analysis of the biblical implications of wealth and finally reiterate that the spiritual secret of wealth lies in the fact that riches offer an avenue to deeper meaning and purpose to those who possess them.

Section two contains chapters on the giving patterns and practices in each of six major faith traditions: Catholicism, Judaism, liberal Protestantism, Evangelicalism, Mormonism and Black churches. The reader is provided with a social commentary on fund raising in the Catholic church, a demographic and analytical study of Jewish giving patterns and an historic look at the temporal vs. spiritual discourse in the Mormon faith and its philanthropic effects. Volunteerism, as an outgrowth of the faith experience, is also discussed.

In the philanthropic arena, there are competing forces—what the authors call "alternatives" to religion—namely government, business and other third sector organizations. Each has distinct advantages, including resources (government's ability to raise revenue) networking (business sector is well-known for its contacts and communications) and issue-related causes. However, the authors conclude that "there appears that no clear alternative can rival the importance of religion in the promotion of philanthropy." (p. 268) The final chapter explores the concept of how a strong sense of community can be built by persons of faith and also revisits volunteering as a philanthropic action that is

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