



REPORT from the CAPITAL

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NEWS MAKERS

Mehdi Dibaj, a man condemned to death by an Iranian court for converting to Christianity, was abruptly released Jan. 16 — just days before he was to have been executed, according to a Baptist Press report. His release was conditional. The court is investigating his case, and Dibaj is still subject to recall by police at any time. An Assemblies of God evangelist, Dibaj had spent nine years in prison for becoming a Christian several decades ago.

David Hunter, a school board president in north central Pennsylvania, is seeking a way to challenge three decades of Supreme Court law in an effort to return Bible reading to the public schools. He is seeking help from a variety of sources, including the state chapter of Pat Robertson's Christian Coalition, the state's two senators and other public officials. Hunter heads the school board that oversees Warrior Run Senior High School in Turbotville, Pa., which learned in November that it had broken the law for 30 years by having a student read a passage from the Bible over the school's intercom system each day.

Gale Norton, Colorado attorney general, said her office has no legal authority to investigate Gov. Roy Romer and legislators for what critics charge are unlawful attempts to link religion and government. The dispute arose after Romer was quoted in the *Denver Post* as having told some legislators, "We've got to work with religious institutions" to develop a moral framework for countering youth violence. Leading the charge against Romer was Margie Wait of suburban Denver, a representative of the national organization American Atheists. Norton said she had no authority to investigate the governor for offering his views.

Church groups seek lobby law exemption

Baptist forbears suffered persecution to oppose the colonial practice requiring clergy to obtain a license to preach. Today, Baptists who cherish religious liberty face a similar threat.

The U.S. Congress is plowing ahead toward lobby reform in a manner that could severely impact the prophetic witness of the church, according to a church-state specialist.

J. Brent Walker, general counsel of the Baptist Joint Committee, said the legislation requires registration and disclosure on the part of those who engage in lobbying and continuing governmental monitoring of their activities — including activities of church-related organizations that lobby.

"While most people welcome lobby reform," Walker said, "it should not come at the expense of the prophetic witness of churches. Having to obtain a license to lobby is no different from having to obtain a license to preach.

"In short, an exemption for churches and religious organizations is crucial here."

The Senate has approved the Lobby Disclosure Act of 1993 without such an exemption. While the Senate bill does not have an exemption, the committee report that accompanies it declares that the Senate does not intend for the measure to apply to churches.

The report says that "the courts have generally interpreted existing lobby disclosure laws, in light of the free exercise clause of the First Amendment to the Constitution, to exempt churches and synagogues, their integrated auxiliaries, and conventions and associations The Committee has no intention of changing the established First Amendment law in this respect."

Walker finds some comfort in the

committee report but he said that a specific exemption in the bill is still needed. That hope remains in the House of Representatives, he added.

The most recent version of the House bill (H.R. 823) includes an exemption for churches and religious organizations.

The bill is on a fast track in the House, gaining approval from the Subcommittee on Administrative Law and Governmental Relations just prior to the adjournment. When Congress returns Jan. 25, the bill is expected to be cleared quickly for floor consideration — perhaps as early as February.

If the House approves the bill with an exemption, a Senate-House conference committee likely would then iron out the differences in the two measures. The BJC will work to see that the conference committee adopts the exemption, Walker said.

"We've been led to believe by reliable Senate sources that the Senate will accede to the House version," he said.

In October, the BJC adopted a resolution urging Congress to add a religious exemption to the bill, which represents the first serious attempt to reform lobbying practices in decades.

Walker said that government has long recognized the unique status of churches under the First Amendment by granting similar exemptions from other regulations. In fact, failure to exempt religious organizations in this bill would represent a significant departure from past practice.

Many state lobbying laws exempt churches and religious organizations to varying degrees. If the federal government fails to follow suit, the BJC and others dedicated to religious liberty will find the result intolerable, he added. Δ

Court rejects challenge to park's religious display

The U.S. Supreme Court declined Jan. 10 to disturb a lower court's ruling that a privately sponsored religious display in a public park does not violate the Constitution.

Left standing was a federal appeals court decision upholding a private group's display of scenes from the life of Christ during the Christmas season in San Diego's Balboa Park. The city's policy permitting the display does not offend the First Amendment's requirement of church-state separation, the court said.

San Diego officials have allowed the private group to display eight life-sized statuary scenes since 1953.

The appeals court agreed with the city that the 1,200-acre park is a traditional public forum open to all speakers.

The court also said the city's policy satisfies all three prongs of the legal test for determining whether an action meets the constitutional standard for church-state separation.

To be constitutional under the *Lemon* test, governmental actions must have a secular purpose, neither advance nor inhibit religion and avoid excessive entanglement with religion.

The court said San Diego's policy serves the secular purpose of promoting freedom of expression in an open forum and does not entangle church and state.

As for *Lemon's* middle prong, the court said the city is neither favoring or disfavoring religion by allowing the display of a religious message in a forum open to all forms of speech on a first-come, first-served basis.

The appeals court said a reasonable person would not conclude that the city's tolerance of the Christmas display amounts to an endorsement of religion, and that messages expressed in a public forum should be viewed as those of the speaker, not the government.

The long-running, often contentious debate over whether *Lemon* creates too high a wall separating church and state apparently will get a close look from the Supreme Court this spring. Justices agreed in December to review New York's creation of a special school dis-

trict to accommodate the religious needs of Hasidic Jews in a case challenging the application of the *Lemon* test.

"Private religious speech in a public forum simply does not violate the First Amendment's Establishment Clause. This is yet another example of the much-maligned Lemon test accommodating religion. Lemon does not generate an atmosphere of governmental hostility toward religion — it ensures neutrality."

— J. Brent Walker

Church-state conflicts rising, study shows

Church-state conflicts at the state and local level continued to grow in the past year, with a new report showing 247 such incidents.

The annual study by Americans United for Separation of Church and State was based on reports from members, media accounts and cases in which the organization was involved. The group catalogued a total of 196 incidents during the year.

The report said, "Separation of church and state faces at least two serious challenges that could undermine its ultimate survival."

The first threat is "a systematic war of criticism" being waged by Religious Right activists against the separation concept. For example, campaigns to return state-sponsored prayer to the public schools and to implement voucher plans allowing state aid to religious schools.

Equally threatening, the report said, is the attitude of many Americans who, according to polls, overwhelmingly endorse separation as a concept but "seem to have difficulty understanding the need for it in practice."

Texas county affirms prayer in public schools

Court commissioners in McLennan County, Texas, unanimously approved a resolution supporting the reinstatement of prayer in public schools to move the nation "toward those religious ideals and beliefs upon which this nation was founded."

The resolution further called for a "grassroots movement" from all cities

and counties across the country to join in an united effort to reinstate the practice, which the U.S. Supreme Court declared unconstitutional three decades ago.

"The resolution is incredibly blazon. It does not try to soften its pitch by calling for 'voluntary' student prayer or limiting it to 'graduation ceremonies.' It appears to call for state-sponsored prayer in the classroom. As such, it would be blatantly unconstitutional if implemented."

"Prayer has never been removed from the schools — only state-sponsored prayer. Students can pray on their own any time they like."

"Those who seek to restore state-sponsored prayer in the public schools should re-read Matthew 6."

— J. Brent Walker

Virginia school board drops prayer battle

The Loudoun County, Va., School Board has decided to drop its battle for "student-initiated" prayers during graduation ceremonies, but the issue is still being contested in other courts, says a religious liberty watchdog group.

The Loudoun County School Board voted 7 to 3 not to appeal a federal district court decision barring student-led devotions at graduation ceremonies in the suburban Washington, D.C., community. Graduating seniors at four high schools were asked by school officials last year to vote on whether to include prayers at the school events.

The policy was successfully challenged by a group of students and faculty represented by attorneys for the American Civil Liberties Union and Americans United for Separation of Church and State.

An Americans United official said at least two federal court lawsuits over graduation prayers — one in Idaho and one in New Jersey — are still pending. Conflicts arose around the country after a 1992 U.S. Supreme Court ruling against prayers at graduation events.

"Religious worship should never be mandated by majority vote, and the federal court was right to rule the way it did."

— Barry W. Lynn
Americans United Executive Director

But, what have you done for me lately?

Q: *What is the "Fairness Doctrine," and does it apply to religious broadcasters?*

A: Congress is considering reinstating the "Fairness Doctrine." It would require licensed broadcasters to devote "reasonable attention to the coverage of controversial issues of public importance" and to provide a "reasonable, although not necessarily equal, opportunity for the expression of opposing views." (H.R. 1985, S. 333) The law would apply to religious broadcasters. But it does not require endorsement of positions contrary to religious belief. For example, a broadcaster can advance a pro-life position, but if it were to editorialize against the Freedom of Choice Act, it must allow the other side to be heard. Even then, the doctrine does not mandate a point-counterpoint kind of presentation; it simply requires that programming, taken as a whole, presents issues of public importance in a balanced fashion. (JBW)



JAMES M. DUNN
Executive Director

What a puzzlement! The day after the Religious Freedom Restoration Act became law, Kentucky Baptists voted the Baptist Joint Committee out of their budget. Why? First, ignorance of the importance of the legislation. It simply put

meaning in the First Amendment words "free exercise." The "first freedom" was rendered meaningless when Justice Scalia declared the free exercise guarantees a luxury we can no longer afford!

The Congress corrected the error. For the first time Congress reversed a Supreme Court decision on the first 16 words of the Bill of Rights.

Then, one must know that without the Baptist Joint Committee it wouldn't have happened. It was the BJCPA address, phone numbers, staff, fax and copy machines and shoe leather that led the coalition of 68 groups to victory.

How then can Baptists anywhere think that they are not served well by the Baptist Joint Committee?

Obviously, an immediate cause is deliberate distortion and malicious misinformation. The Religious Right both within and without Baptist life pursues its vendetta against the BJC. Oh well, one is known by his enemies.

Of course, government must be secular, officially neutral. Who wants a religious state? Whose religion?

Of course, we oppose government prescribed religious exercises at graduation, football games or goat ropings. Who wants "non-sectarian prayer"? That's an oxymoron! If it's "non-sectarian" it's not prayer.

Of course, we are still for separation of church and state. Look at Beirut, Bosnia, Belfast. In the United States church and state are separate.

However, some well-intentioned folks focus on the hole instead of the doughnut. What has the Baptist Joint Committee done for you lately?

In 1980 the BJC led the way to pass the Overseas Earned Income Act that kept missionaries from paying taxes on

"both ends of the line," saving Southern Baptists alone over \$2 million annually.

In the early 1980s the question of Integrated Auxiliaries was finally resolved with the Tennessee Baptist Children's Home at the heart of the battle and the BJC providing political and legal resources. Church ministries can no longer be treated as if they are not an integral part of the church.

Then came ERISA. Every person on church pension plans was under the Employees Retirement Income Security Act, trapped in generic legislation that would have cost them their retirement if they had moved, even within their own denomination. The Baptist Joint Committee recruited Jim Wright, (D-Texas) and Barber Conable (R-N.Y.). Pension plan justice was restored.

Next, 1983, the Internal Revenue Service proposed to tax the parsonage allowance part of a minister's compensation. The IRS selectively decided to hit preachers but allow the military to continue to enjoy the blessing denied the ministry. Discrimination was denounced by the BJC. Housing allowances remain.

The 1984 Equal Access Act let kids have prayer meetings and Bible studies at public schools.

In 1986 the BJC joined others to produce a document explaining what can and should be done when, teaching about religion in public schools.

Also in 1986 tax reform legislation did not as proposed treat all church retirement programs as if they were secular insurance companies. The BJC resourced the Church Alliance and did the work as Dr. Darold Morgan, SBC, and Dr. Dean Wright, ABC, can attest. Every retired minister in America gets a better check because of this work.

In 1992 President Bush's budget would have required every church to report to the IRS every individual who gave as much as \$500 a year. This would have made every church in America a part-time IRS agent. It was BJC attorneys who stopped that Draconian provision.

Then came the Religious Freedom Restoration Act. See what I plead for? See the doughnut instead of the hole? These are the "biggies"—the issues joined that have protected a dear liberty or saved millions of missions monies.

Decisions about funding the BJC should be informed decisions. Thanks to those who take the time to learn the truth. Δ

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GUEST VIEWS



**W. KENNETH
WILLIAMS**

“I believe and trust in Jesus Christ. ... I do take my faith seriously.”

Such a confession of faith is the emblem of the Christian community. It reflects the credo of generations of the faithful. A public witness to one's faith is both the product of the

church's life, and the means by which Christ is advanced in the world. Most Christians hear the testimonies of others with satisfaction. It is evidence that the Christian enterprise is working.

But this particular confession brought no such satisfaction. It was uttered by David Wilhelm, chairman of the Democratic National Committee, as he began his speech before a Christian Coalition convention in Washington in September 1993. Many of the 2,000 attendees responded to Wilhelm with groans

and hisses of derision. *Washington Post* reporter Colman McCarthy noted that Wilhelm's words of faith were received by the coalition members "as if an infidel had crashed the temple of the righteous."

It is indeed a sad commentary that for many in America, Christianity has today become such a "zero-sum" game. For many, religious faith and political views have become intertwined and confused. It has become normative to label the faith of others as heretical simply because they express a divergent expression of conscience, a certain antithetical political affiliation or even a variant economic perspective to one's own.

Mean-spiritedness has replaced kindness in the Christian family. The pursuit of majoritarian power has usurped the civility of discourse. The "loyal opposition" has become the mortal enemy.

Any organized assault on conscience and personal piety reflects a particularly insidious brand of emotionalism. When rational arguments fail to convince, a convenient and remarkably thoughtless alternative strategy is to caricature the opposition to absurd proportions. Every utterance is immediately considered either

deceitful or conspiratorial. Rush Limbaugh has raised this strategy to an art form. Members of the Wilhelm-derivative Christian Coalition learn the method from the movement's founder, Pat Robertson. Dehumanizing an opponent does two things psychologically. It neutralizes the mechanisms of civility and ascribed dignity to the other, and it raises the level of righteous indignation in oneself.

As a pastor, I am deeply concerned by the "meanness movement" among Christians. There must be tears in heaven for the failure of Christians to love one another and thereby show the world a higher, more excellent way of being human together. We, Christians, are at our best when we relate to each other with the respect that Christ ascribed to every person he met, even his opponents. We are at our worst when we attempt to devalue the expressions of conscience that other Christians make as free persons in Christ living in a free state. Δ

W. Kenneth Williams is pastor of Baptist Temple, Rochester, N.Y., and former BJC scholar-in residence.

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