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NEWS MAKERS

Raymond Flynn, U.S. ambassador to the Vatican and the former mayor of Boston, said he's looking seriously at challenging Massachusetts Gov. William Weld this year, according to news reports. He will not formally announce a decision until St. Patrick's Day. Flynn was named to the Vatican post last year by President Clinton. U.S.-Vatican diplomatic ties have been opposed by the Baptist Joint Committee and other groups.

Rep. Don Edwards, D-Calif., who helped champion the passage of the Religious Freedom Restoration Act, announced plans to retire at the end of the 103rd Congress. Edwards was elected to the House of Representatives in 1962. "Mr. Edwards has always been committed to protecting our constitutional liberties," said Baptist Joint Committee General Counsel J. Brent Walker. "His crucial role in the passage of RFRA is testimony to that fact."

Eric D. Edmondson, a member of First Baptist Church of the City of Washington, is the resident counsel at the Baptist Joint Committee. Edmondson is a graduate of George Washington University National Law Center in Washington. He is a member of the Virginia State Bar. "We at the BJC welcome the fresh energies and enthusiasm of an able young attorney with excellent credentials," said BJC Executive Director James M. Dunn.

King Hussein of Jordan recently revived the idea of religious jurisdiction over holy sites in Jerusalem to help bring Arab-Israeli peace, according to the *Washington Post*. Hussein suggested that Islam, Judaism and Christianity — religions that share the view of one God — could depoliticize the sovereignty over the region's religious shrines. Δ

Churches, families have role in renewal

STATE of the UNION

Government, churches, families, communities and individual citizens must all do their part if the nation is going to continue on a "journey of renewal," President Clinton said Jan. 25 during his State of the Union address.

Speaking before a joint session of Congress, Clinton acknowledged that "our problems go way beyond the reach of government. They're rooted in the loss of values and the disappearance of work and the breakdown of our families and our communities."

Clinton called for renewal that would translate into welfare and health care reform, tougher legislation on crime, campaign finance and lobbying activities, as well as education initiatives for improving America's schools. In each instance, rebuilding the American family is a key factor.

He emphasized that restoring the family structure would require individual responsibility and commitment.

"People who bring children into this world cannot and must not walk away from them.

"The American people have got to want to change from within if we're going to bring back work and family and community. We cannot renew our country when, within a decade more than half of the children will be born into families where there has been no marriage.

"We cannot renew this country when 13-year-old boys get semiautomatic weapons to shoot 9-year-olds for kicks. We can't renew our country when children are having children and the fathers walk away as if the kids don't amount to anything."

Renewal also won't come unless more citizens join with churches and ministers like American Baptist Tony Campolo who are working to make this country better, he said. Campolo teaches at Eastern College, an American Baptist school.

Americans must realize that "governments don't raise children; parents do."

"Let's give our children a future. Let us take away their guns and give them books. Let us overcome their despair and replace it with hope. Let us, by our example, teach them to obey the law, respect our neighbors, and cherish our values. Let us weave these sturdy threads into a new American community that once more stands strong against the forces of despair and evil because everybody has a chance to walk into a better tomorrow.

"Tonight, my fellow Americans, we are summoned to answer a question as old as the republic itself, what is the state of our union? It is growing stronger but it must be stronger still. With your help and God's help it will be."

Following the president's remarks, Senate Minority Leader Bob Dole of Kansas offered the official Republican response. He said the president took strong stances on several issues but questioned whether the president would follow through with them.

"Now, many people are confused when the president's actions appear different than his words. For example, the president talks about education. But he opposes school choice, which could give parents more control over the education of their children," he said.

Clinton did endorse "public school choice" in his address, but he has opposed private school choice. Δ

Sabbath observer loses bid to challenge firing

An Illinois prison guard fired for refusing to work on his Sabbath has lost his attempt to challenge the dismissal in court.

The U.S. Supreme Court refused Jan. 24 to review lower courts' dismissal of a religious discrimination lawsuit brought by Merl E. Blair against the Illinois Department of Corrections, Graham Correctional Center and the labor union representing the prison's employees.

Federal law requires "reasonable" accommodation of employees' religious needs as long as an "undue hardship" on the employer is not created.

Lower courts said the prison had taken steps to reasonably accommodate Blair's Seventh-day Adventist beliefs against working from sundown Friday to sundown Saturday and could not have further accommodated Blair without incurring undue hardship.

The courts noted the prison could not have given Blair the schedule he requested without violating the labor agreement that gives employees with seniority first choice of schedule assignments. Allowing Blair to take Sabbaths off without pay would have resulted in more than a minimal expense in either hiring a replacement worker or paying overtime to a current employee.

A Baptist church-state attorney said the lower court decisions were based on a 1977 Supreme Court ruling "that all but gutted the reasonable accommodation requirement in (a federal anti-discrimination law) by making even minimal cost an 'undue hardship.'"

J. Brent Walker, general counsel at the Baptist Joint Committee, said the 1977 high court action has diminished legal protection for religious practice.

Legislation to restore protection to employees whose religious practice warrants accommodation in the work place soon will be introduced in Congress, Walker said.

President Clinton declares 'Religious Freedom Day'

In a Jan. 14 proclamation, President Clinton declared Jan. 16 Religious Freedom Day to commemorate the restoration of the nation's first freedom

when he signed landmark legislation last year.

The president signed the Religious Freedom Restoration Act to restore a high level of protection for religious practice. The new law would restore the compelling state interest test that government formerly had to meet before it could restrict a citizen's religious freedom.

"(RFRA's enactment reaffirmed) our solemn commitment to protect the first guarantee of our Bill of Rights. In the great tradition of our Nation's founders, this legislation embraces the abiding principle that our laws and institutions must neither impede nor hinder, but rather preserve and promote, religious liberty.

"As it is inscribed on the Liberty Bell in Philadelphia, the words of Leviticus ring out, 'Proclaim liberty throughout the land unto all the inhabitants thereof.' Our government did not create this liberty, but it cannot be too vigilant in securing its blessings."

— President Bill Clinton

Proposed postal rules pose problems for churches

Confusing and intrusive regulations concerning non-profit postal rates could pose a serious problem for Baptist churches, according to a Baptist editor.

Bob Terry, editor of the Missouri Baptist Word & Way since 1975, testified Jan. 28 during an oral comment session at the U.S. Postal Service headquarters. Terry, a postal representative for the Southern Baptist Press Association and the Evangelical Press Association, spoke against the proposed regulations regarding third-class non-profit eligibility guidelines.

Terry said the proposed regulations are not consistent with the intent of lawmakers who approved a bill late last year that would reform non-profit postal rates. At issue is the test for eligibility for non-profit mailings, he said.

In drawing up the regulations, the Postal Service changed the test for non-profit postal rates to require that all advertisement be "substantially related" to the purpose of the organization. In addition, each non-profit mailing must be accompanied by a letter verifying that this is the case, he said.

The proposed test would lead to inevitable church-state separation problems, he said.

"It becomes nothing more than another hoop the Postal Service is forcing churches to jump through in order to mail at the non-profit rate," he said. "Does the Postal Service wish to get into the matter of determining what is 'substantially related' to the work of a church? It seems to me the Postal Service is treading on dangerous ground when it seeks to make such determinations."

School prayer resolutions worry Texas Baptist leader

More than half the counties in Texas have approved school prayer resolutions in recent months, and that has some Texas Baptists concerned.

Resolutions urging that prayer be reinstated in public schools have been approved by commissioners courts in 134 Texas counties, as well as city councils in more than 50 municipalities and the boards of several school districts.

The resolutions demonstrate that some politicians are willing to trade religious liberty for social and religious control, said Weston Ware, citizenship associate with the Texas Baptist Christian Life Commission.

In effect, the resolutions propose that children in public schools be exposed to the prayers of whatever religious majority may control that school's board, Ware explained.

"Preserving religious liberty in our country is a lot more important than any perceived benefits believed to come from schoolroom prayers determined by some political majority," Ware said.

While there are genuine problems in public education, the absence of classroom prayers is not their cause and the inclusion of such prayers would not be their solution, Ware countered.

"How much better to call upon students at the secondary level to express their own freedom of religious speech as opposed to calling for a dangerous change in the Constitution that could put the state in the business of religious instruction, which would threaten the religious liberty of us all."

— Weston Ware
Texas Christian Life Commission

LIBERTY & LAW

The First Amendment protects speech and religion by quite different mechanisms. Speech is protected by insuring its full expression even when the government participates. ... The Free Exercise Clause embraces a freedom of conscience and worship that has close parallels in the speech provisions of the First Amendment, but the Establishment Clause is a specific prohibition on forms of state intervention in religious affairs with no precise counterpart in the speech provisions. The explanation lies in the lesson of history that was and is the inspiration for the Establishment Clause, the lesson that in the hands of government what might begin as a tolerant expression of religious views may end in a policy to indoctrinate and coerce. A state-created orthodoxy puts at grave risk that freedom of belief and conscience which are the sole assurance that religious faith is real, not imposed.

Justice Anthony M. Kennedy
Majority Opinion — *Lee v. Weisman*
June 24, 1992

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VIEWS OF THE WALL

Encourage charitable gifts



J. BRENT WALKER
General Counsel

Are gifts to charities — like churches and other religious groups — fully deductible? They used to be, but no more. Sometimes the government just can't get it right.

In 1990, Congress imposed a 3 percent floor on all itemized deductions, including charitable contributions, to the extent a taxpayer's adjusted gross income exceeds \$100,000. Originally scheduled to expire in 1995, the 3 percent floor was made permanent this year. Since this figure is indexed for inflation, the 3 percent floor now kicks in on income over \$111,000. Twenty-six states have modeled their tax laws after the new federal law and have passed a 3 percent floor for state income taxes.

Here's how it works. Assume a taxpayer's adjusted gross income is \$150,000. The excess over \$111,000, or \$39,000, is subject to the floor. Three percent of \$39,000 is \$1,170. If this taxpayer's total itemized deductions were say \$10,000, he or she could deduct only \$8,830.

The 3 percent floor is bad tax policy. The Baptist Joint Committee will be working this year to ask Congress and the administration to repeal this provision. In fact, the writer, along with several others, recently met with Secretary Bentsen to urge the Treasury Department to become involved in this effort.

The precise effect of the 3 percent floor on charitable deductions has yet to be determined. However, studies indicate that over the last five years, giving decreased by 18 percent from those with incomes over \$100,000. This stands to reason. Of the three major itemized deductions — charitable contributions, mortgage interest

and state and local taxes — charitable giving is the only one that is in any way "discretionary" and can be cut back.

While this provision does not affect people with more modest incomes, the 3 percent floor sets a terrible precedent. Once a floor has been established on a tax deduction, Congress almost always winds up increasing it. The floor on the medical deduction is a good example. Now, it is practically worthless. The floor has all but swallowed up the tax deduction.

Eliminating charitable deductions from the floor would not reduce federal revenue all that much. Over 90 percent of the revenue generated by the 3 percent floor comes from foregone deductions on state and local taxes and the mortgage interest deduction. Thus, exempting charitable contributions from the floor will not have that adverse a revenue impact on the federal government — only about \$200 million a year. A reputable national accounting firm has estimated that this lost revenue could be made up simply by not increasing the threshold at which taxpayers become subject to the law for about two years (i.e. freeze it at \$111,000).

The floor on charitable deductions is inequitable. If a taxpayer has no mortgage and does not live in a jurisdiction with high state and local taxes, the 3 percent floor has to be subtracted almost entirely from charitable contributions, while a taxpayer in a high tax state with a big mortgage would barely feel it.

Finally, perhaps most importantly, the 3 percent floor violates a long-standing tradition of not taxing income voluntarily given to charitable organizations. Money freely given away to charity to serve public purposes should not be taxed. The federal government should encourage, not discourage, charitable giving. The 3 percent floor does just the opposite in exchange for a very modest increase in government revenue. It's not worth the price. Δ

BOOK REVIEW

Why the Religious Right Is Wrong About the Separation of Church and State

Robert Boston. Buffalo: Prometheus Books, 1993 (257 pp).



Only one-third of Americans are aware the First Amendment guarantees religious liberty. Even fewer understand the

history of the wall of separation between church and state, although a majority say they support it. The Religious Right is taking advantage of this widespread ignorance to undermine that wall and infringe upon religious freedom through a campaign of disinformation. Robert Boston's book *Why the Religious Right is Wrong About the Separation of Church and State* is a clear, concise rebuttal of the Religious Right's arguments and an effective weapon in the battle to preserve religious liberty.

Boston contends the Religious Right has enjoyed some success promoting its anti-separationist agenda by distorting history, promoting myths, playing on majoritarian sentiments and hiding its

true aim. Boston's agenda is to strike a blow against the Religious Right's campaign by "set[ting] the record straight about how separation of church and state came about in the United States and what the principle means today."

He begins by giving the reader a brief history lesson in church-state relations that lays the foundation for his discussion of the origin of the Establishment Clause. Boston's primary point is that the framers sought to break with the sad tradition of intolerance toward religious minorities in Europe and the Colonies in drafting the First Amendment. Attempts by the Right to claim separating church and state was not the framers' intent are not supported by the facts.

Boston also rebuts the idea America is a Christian nation by pointing out the meaning of the federal Constitution, not past state practice, is at issue. The 19th century was a difficult period in American history for religious liberty; the nation was overwhelmingly Protestant and the majority often used state and local government to press its views on religious minorities of the time. As Boston puts it, "the unpleasant

truth is that 19th century America was a mild form of Protestant theocracy." The Religious Right fondly points to this period to support its contention that Christian churches should be afforded special recognition by the government. However, as Boston carefully notes, the wall of separation survived at the federal level despite abuses at the state level during this time.

Boston's discussion of current issues — religion in public schools, parochial and free exercise, religious symbols and Sunday laws — is illuminating. Boston also examines briefly the Christian reconstruction movement and offers "suggestions for the separation activist." Unfortunately, while he devotes significant space to discussion of the most extreme organizations, he gives only a cursory overview of the most effective anti-separationist group, Pat Robertson's Christian Coalition. But, his tips on how to fight anti-separationists' initiatives are helpful — particularly in the area of grassroots organizing. Δ

— Eric D. Edmondson
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REPORT from the CAPITAL

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Book Reviews

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