



REPORT from the CAPITAL

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NEWS MAKERS

President Bill Clinton recently proclaimed Aug. 1 as Helsinki Human Rights Day to "reaffirm the American commitment to upholding human dignity and freedom — principles that are enshrined in the Helsinki Final Act." The Helsinki Final Act of 1975 committed the United States, Canada and 33 European states to respect "freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion." Clinton said the Helsinki act "stands as a fundamental declaration of freedom — a beacon and a warning to all those who would turn away from democracy's welcoming light."

Theo Angelov, president of Bulgarian Baptists and vice president of the European Baptist Federation, was among Baptist leaders who warned that the battle for religious liberty continues in Europe despite changes in Eastern Europe. Freedom of religion was a major discussion topic during the European Baptist Federation's congress held July 26-31. Angelov said that for Bulgarian Baptists to be able to come to the congress is progress, but that the Bulgarian government, working with the Bulgarian Orthodox Church, has waged an anti-evangelical campaign during the last two years. Public buildings have been denied Baptists, forcing them to meet again in private homes.

Hassan Shahjamali, a Christian convert and Iranian-born American who had disappeared and was imprisoned by Iranian authorities for nearly two weeks, is safe and back home in the United States. He had been visiting family members and fellow Christians, including the Rev. Mehdi Dibach, who was found murdered in July. Δ

Senate confirms Breyer for Supreme Court post

Judge Stephen G. Breyer's views of the First Amendment drew strong bipartisan support as the U.S. Senate voted overwhelmingly July 29 to confirm him as the 108th justice of the U.S. Supreme Court.

Breyer, chief judge of the 1st U.S. Circuit Court of Appeals, won confirmation by an 87-9 vote.

During Senate Judiciary Committee hearings, Breyer endorsed a wall of separation between church and state, espousing governmental neutrality toward religion.

His First Amendment views drew praise from lawmakers across the political spectrum.

Breyer "adopts a pragmatic, not an ideological, approach" to church-state issues, declared Sen. Orrin Hatch of Utah, ranking Republican member of the Judiciary Committee.

Hatch praised Breyer for understanding "the strong protections that Congress intended to give religious liberty" under the Religious Freedom Restoration Act — a 1993 measure that requires government to show a compelling reason to justify a substantial restriction on religious practice.

Hatch also commended Breyer's views on how much separation between church and state is required by the First Amendment's ban on governmental establishment of religion.

"Judge Breyer rejects the extreme secularist view that the Establishment Clause mandates an absolute wall of separation between church and state,"

Hatch said. "Judge Breyer instead recognizes that there are 'vast areas' where religious institutions can neutrally receive benefits from government."

Sen. Edward M. Kennedy, D-Mass., said Breyer is "respectful of the religious traditions of the American people and committed to ensuring that all

Americans remain free to follow their conscience, free from government interference."

Sen. Patrick Leahy, D-Vt., told Senate colleagues he shared Breyer's view "about the necessity for, and desirability of, a reasonably constructed wall to separate church and state."

During confirmation hearings, Breyer was asked about his 1989 appeals court ruling that a Baptist school's free exercise rights were not violated by requiring its secular curriculum to be approved by local school

district officials.

He told the panel that nothing is more important to individuals and families than religious principles and the right to pass on those principles and beliefs to their children.

"Liberals and conservatives alike recognized the merit of Judge Breyer's careful, balanced approach to his job," Majority Leader George Mitchell, D-Maine, said before the Senate vote.

Breyer, who has served in all three branches of government, was appointed to the federal bench by President Carter in 1980. He was nominated by President Clinton to replace retired Justice Harry A. Blackmun. Δ



Breyer appears before Senate Judiciary panel.

Senate action would drop religion from guidelines

The U.S. Senate voted July 22 to require the Equal Employment Opportunity Commission to remove religion from proposed comprehensive guidelines dealing with workplace harassment.

The guidelines were drafted to help interpret what constitutes workplace harassment based on race, color, religion, sex or national origin.

Virtually every religious and civil liberties group, including the Baptist Joint Committee, found the guidelines vague and open to misinterpretation. Some, fearing the guidelines would lead to "religion-free" workplaces, asked the EEOC to drop religion from the guidelines; others urged EEOC to keep religion in the guidelines but clarify them to ensure legitimate religious expression is not stifled.

The Senate restriction came in the form of an amendment by Sens. Hank Brown, R-Colo., and Howell Heflin, D-Ala., that was added to the appropriations bill for the Departments of Commerce, Justice, State, the Judiciary and related agencies. The Brown-Heflin amendment also would require the EEOC to hold public hearings on any new guidelines related to religious harassment and to receive additional comment before issuing any new regulations. It also would require any new regulations to "make it explicitly clear that symbols or expressions of religious belief" are not to be restricted.

Brown said the amendment was offered because the EEOC did not respond to a June 16 Senate resolution that called for modification of the regulations. The Senate approved the Brown resolution 94-0, but it merely expressed the sense of the Senate without carrying the force of law.

"This amendment forces the EEOC to withdraw these dangerous guidelines and respect people's freedom of expression," he said. "Harassment can be restricted without extinguishing a person's freedom to express their beliefs."

The House of Representatives has approved the appropriations bill with a different provision concerning the EEOC guidelines. The House bill would bar the EEOC from using funds

to implement the proposed guidelines as drafted. The differences in the bills must be resolved in conference committee before final passage.

The BJC, a Washington, D.C.-based religious liberty agency, has asked the EEOC to retain the guidelines but to clarify them to make certain religious expression in the workplace is protected.

J. Brent Walker, BJC general counsel, said, "The Congress should allow the EEOC to do its work without mandates and threats of fund cut-off. If the EEOC fails to properly revise the religion guidelines, then legislation would be called for." Δ

Senate votes to shield protected prayer in school

The U.S. Senate adopted July 27 the less stringent of two school prayer proposals offered as amendments to a major education bill.

The prayer issue arose as the Senate considered the Improving America's Schools Act (S. 1513), which would authorize \$12.5 billion next year for local schools and would set learning standards.

Both proposals could result in the loss of federal education funds. But under the version approved by the Senate, a school district could lose federal funds only if a federal court first determined that constitutional rights with respect to prayer were violated and the school district then refused to correct its policy or practice.

The language approved, 93-7, by the Senate was sponsored by Sen. Nancy Kassebaum, R-Kan.

The Senate rejected, 53-47, an amendment offered by Sen. Jesse Helms, R-N.C., that would cut off funds to schools that failed to safeguard constitutionally protected prayer.

J. Brent Walker, general counsel of the Baptist Joint Committee, said that Helms' amendment would have forced school administrators "to make exceedingly complex and technical judgments about an unsettled area of constitutional law. The Supreme Court itself is often divided in prayer cases."

Helms' remedy was excessively harsh and would have increased federal meddling in decisions made by local school boards, Walker said.

While neither amendment was necessary because they dealt with rights already protected, Kassebaum's was preferable because it gives more certainty to school officials and protects both the right to pray and not to pray, Walker said.

"The holy act of prayer should be left to its proper place — the hearts and minds of students. It ought not be turned into a political football." Δ

Quebec teachers want religion classes dropped

Quebec's largest teachers' federation is advocating that public schools in the overwhelmingly Catholic province of Montreal drop religion classes from their curriculums to better reflect the "increasingly multi-cultural nature of Quebec."

However, the proposal is being challenged by the province's Catholic school boards, which promise an uphill battle to retain religious instruction in their schools. Public schools in Quebec are divided into Catholic and Protestant categories and are supported, subsidized, supervised and controlled by the provincial government.

Private schools are exempted from the categories, though, for the most part, they are Catholic in orientation but open to any student capable of paying tuition.

In a resolution adopted at a recent convention of the Quebec Teachers Federation, the group recommended that the "secular nature" of Quebec's public schools be recognized, not only removing religion from the curriculum but also abolishing the separation of schools into Catholic and Protestant.

The resolution noted that references to religion could take place in the context of history lessons or discussions about cultural differences, the approach generally taken in the Protestant schools.

The federation's proposal is a first for the union, most of whose high school and elementary school members work in French Catholic schools.

If the proposal is approved, it would also mark a revolutionary departure for Quebec's centuries-old French Catholic school system that was run on behalf of the government by the Catholic Church until the early 1960s. Δ

LIBERTY & LAW

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment.

Justice Tom Campbell Clark
U.S. Supreme Court
Majority Opinion
Abington School District v. Schempp
June 17, 1963

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REFLECTIONS

A free and informed conscience



JAMES M. DUNN
Executive Director

share of the responsibility for doing so. Beyond that, United Nations surveys show 120 million couples who would limit their families but have no access to reliable, safe family planning.

With a third of the world's population under 15 and 93 million more people born each year, population concerns are urgent. The morally mature, educated, politically powerful and well-off slices of humanity have some serious responsibility regarding birth rates and the earth's fate.

We live among the fortunate third of the world's people who have enough food, learning and health care to carry on comfortably. Hence, we cannot escape the biblical maxim "unto whomsoever much is given, of him shall much be required." For people of faith it is not simply a "policy issue" or a global crisis beyond our comprehension or capabilities. The believer facing population growth must respond to the faces of sisters and brothers in the tragedy of Rwanda, the starvation of Somalia, the chaos of Columbian cities.

As Nobel laureate Henry Kendall puts it: "If we don't control the population with justice, humanity and mercy, it will be done for us by nature — brutally." Ordinary folks are becoming aware of the political anarchy and negative effects on environment and economic development that comes with unbounded population growth. Yet, Pope John Paul II is vigorously opposing the International Conference on Population and Development to be held in Cairo in September.

Although developing countries acknowledged their need for family planning and population stabilization,

Up to a third of the world's women are trapped in a cycle of annual pregnancies. As shocking as it is to our enlightened ears, many of these women do not even know how to prevent pregnancy or to accept their

the United States took the outrageous, even idiotic, position in a 1984 population summit that population growth is a "neutral phenomenon." How out of it can elected leaders get? Political pressure builds. The cardinals of the Roman Catholic Church this summer called the United States-sponsored initiatives for the Cairo conference "cultural imperialism." The Pope wrote President Clinton that a proposed plan to be brought to the September meeting would be a "serious setback for humanity."

If one considers serious setbacks for humanity, it seems that locking millions of persons in fear, ignorance and superstition constitutes a setback. Careful estimates reveal that each year of education for a young woman reduces the death rate of her children by 7 percent.

Of course elevating the standing of women, removing "legal, regulatory and social barriers to sexual and reproductive health information and care for adolescents" frighten some institutionalists. Expanding health services and education for women and giving women prominent roles in population programs threatens the status quo. But it is time.

Thank God for the Roman Catholic Church and her historic commitment to social justice. Praise the Lord for those who have cared for the poor from St. Francis to Dorothy Day. Oh thank heaven for the Pope's 1989 encyclical on biblical stewardship of the environment. One can hope that the Roman Catholic Church will offer enlightened leadership now.

Now is the time to teach the truth and trust the people. Truly ethical decisions cannot be made when one is denied the facts. One's "yes" to any course of action is meaningless if he or she cannot say "no."

Religious liberty requires a free and informed conscience. Moral decisions cry out for all the facts, understanding the options available. For any religion to attempt to enforce ignorance, to deny enlightened choices, to maintain the status quo in order to protect its social ethic is dehumanizing.

Perhaps the world's peoples will be represented in Cairo in September by people free to think clearly, act boldly and face afresh the awesome threats to the 5.7 billion human beings on this small planet. Let's hope so. Δ

GUEST VIEWS



SEN. MARK
HATFIELD

We are dealing with, of course, a very personal issue in the matter of prayer. We are dealing with the issue of protecting religion and religious convictions.

I must say very frankly that I oppose all prescriptive prayer of any kind in public schools. Does that mean I am against prayer? No, it does not mean that at all. I am very strong in my belief in the efficacy of prayer. But I must say that there is no way this body or the Constitution or the President or the courts could ever abolish prayer in the public schools. That is an impossibility.

I often use, somewhat facetiously, the example and experience of having prayed my way through every math

course examination I ever took. I was not praying to the teacher. I was not praying to my fellow students. I was engaging in silent prayer to God, who I thought was more powerful than I and all the students put together.

All I am saying is that this can be very personal, and silent prayer is happening all the time. I am not sure that I know of anything in any of the great religions that requires audible prayer to validate the efficacy or the importance of prayer. I can pray silently, or I can pray verbally and audibly.

So I think we get ourselves into a great thicket of trying to prescribe parameters surrounding prayer in public schools. The Senator from Illinois (Paul Simon) asked the question: Whose prayers? I have also sometimes said facetiously, I do not have the time to write the prayers for the schools and I do not trust anybody else to write them. That is my religious heritage, always questioning ecclesiastical authority as well as political authority.

So I would like to say that prayer is

being given every day in public schools throughout this country — silent prayer, personal prayer that in no way could we ever abolish even if we wanted to.

So I do not see any great crises about the right of prayer in public schools.

I also feel very strongly ... that when we begin to talk about personal prayer again, we should remember that it is a matter of free speech as well as freedom of religion. Δ

These remarks by Sen. Mark Hatfield, R-Ore., were delivered on the Senate floor July 27, 1994, as that body debated two school prayer proposals. (See story on Page 2.) Hatfield is a Baptist and co-author of the Equal Access Act of 1984. That law bars discrimination against voluntary student religious groups by public secondary schools that permit student-initiated, student-led groups of students to meet in classrooms before and after school for non-curriculum-related purposes.

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