



REPORT from the CAPITAL

Volume 49, Number 21

November 1, 1994

NEWS MAKERS

Charline Berry has joined the Baptist Joint Committee as assistant to the general counsel. She previously served as education assistant at Redland Baptist Church, Derwood, Md. She holds a bachelor's degree from the University of Maryland College of Business and Management and a master's degree in religious education from Southwestern Baptist Theological Seminary, Fort Worth, Texas.

Jack Brymer, a Baptist editor who resigned rather than surrender his paper's editorial freedom, has been named first recipient of a religious freedom award sponsored by Associated Baptist Press. Brymer resigned Aug. 26 after 10 years as editor of the *Florida Baptist Witness*, citing repeated efforts by the paper's board of directors to encourage him to tone down reporting of controversy and to avoid using ABP stories.

Margaret Ann Cowden, former Baptist Joint Committee board member, has been appointed to the staff of the American Baptist Churches' National Ministries. Cowden serves as acting president of The American Baptist Extension Corporation. Previously, she was the deputy executive director of The Ministers and Missionaries Benefit Board of the American Baptist Churches.

Stan Hastey, former BJC executive staff member and current executive director of the Alliance of Baptists, said Baptists today are plagued more by a "forgetfulness" of their heritage than by theological or doctrinal concerns. The "genius" of Baptists was a radical call to discipleship, the priesthood of every believer, congregational autonomy and insistence on freedom of religion, Hastey told St. Charles Avenue Baptist Church in New Orleans. ▴

Jury remains out on lawmakers' work



Will the 103rd Congress be remembered for its accomplishments or for major reform initiatives it failed to move?

In the first session, under a new administration,

Congress appeared headed toward breaking the gridlock of recent years, approving several pieces of legislation watched by religious groups: the Religious Freedom Restoration Act, the Brady handgun control bill and the Family Leave Act.

Congress approved several education initiatives, a crime bill, a deficit reduction plan, a national service bill and confirmed two justices to the U.S. Supreme Court.

But several major reform initiatives stalled as lawmakers scrambled to recess before the Nov. 8 elections. Congress failed to approve bills on health care, lobby disclosure, campaign finance and welfare. (A lame-duck session has been scheduled for late November to vote on the world trade agreement.)

In the final days, Congress grappled with other bills of interest to Baptists:

- The American Indian Religious Freedom Act (H.R. 4230) was approved by the House of Representatives and the Senate. The bill would allow the sacramental use of peyote by Native Americans in their religious worship.

The ceremonial use of the peyote cactus as a religious sacrament is protected on federal lands and by laws in at least 28 states. But the lack of uniformity in state laws and a 1990 Supreme Court decision upholding Oregon's

criminalization of the use of peyote in religious practice prompted the need for the bill, according to supporters.

The Baptist Joint Committee, meeting a year ago, approved a statement supporting a similar bill.

- The Lobby Disclosure Act (H.R. 823, S. 349) fell victim to a Senate Republican filibuster. Despite overwhelming approval for the original bill in both chambers, only the House approved the conference report.

The measure would revamp lobbying laws by increasing disclosure requirements and tightening loopholes on activities designed to influence government. A major provision of the bill would establish an office of lobbying registration and public disclosure, requiring anyone who lobbies to register and file reports with that office.

As introduced the bill's language defining a lobbyist was overbroad and presented a risk that churches might have to report activities simply because they speak on public issues, said J. Brent Walker, BJC general counsel.

Walker, and his predecessor Oliver S. Thomas, worked with Sen. Carl Levin, D-Mich., and Rep. John Bryant, D-Texas, the two chief sponsors, to draft language that would resolve that issue by exempting churches and religious organizations.

The bill emerged from conference with a religious exemption but failed to get Senate approval.

"We worked hard to craft adequate protection for religion," Walker said. "There may have been other reasons to oppose the bill, but a fear that religious speech would be hindered was not among them. Nevertheless, some members raised bogus church-state concerns in the waning days that helped kill the bill." ▴

Supreme Court declines to hear church-state cases

Religious liberty disputes over a Florida city's efforts to regulate charitable solicitation and Puerto Rico's requirement that religious schools be licensed were among more than 800 cases rejected Oct. 3 by the U.S. Supreme Court.

The 78 pages of orders issued by the high court as it opened its 1994-95 term consisted mostly of cases the court refused to review. No case was accepted for review by the court.

Left standing was a federal appeals court decision striking down a Clearwater, Fla., ordinance that imposed substantial record-keeping and disclosure requirements on charities and religious organizations that solicit funds in the city.

The appeals court said the ordinance violated both the Establishment and Free Exercise clauses of the First Amendment. The court said Clearwater officials singled out the Church of Scientology for regulation and that the ordinance created excessive entanglement between church and state.

The Supreme Court also left standing a ruling by the Puerto Rico Supreme Court upholding a law requiring all preschools and elementary and secondary schools to be licensed by the Puerto Rico Education Department.

The Association of Christian Academies and Colleges of Puerto Rico argued that the licensing law — which requires schools to make certain disclosures and affirmations about their resources and operations — substantially interfered with the free exercise of religion.

Puerto Rico's top court disagreed, saying the law is strictly secular and promotes educational quality. Δ

Public school prayer filibuster fails to stop bill

Despite a filibuster effort by school prayer proponents, the U.S. Senate approved Oct. 5 a major education bill.

The Senate voted 77 to 20 to reauthorize for five years elementary and secondary education programs. The bill also authorizes new programs, including those designed to curb violence in public schools.

Sen. Jesse Helms, R-N.C., led a filibuster attempt because he said the public school prayer language in the bill was not strong enough. The measure would withhold federal funds from any state or school district that willfully violates a federal court order to remedy a violation of a student's right to pray.

Helms preferred the language in the original House version. That measure would have withheld funds from public schools that prohibit constitutionally protected prayer. It would have forced school officials to determine which prayers are protected.

Helms has championed the public school prayer cause on virtually every education initiative approved by the 103rd Congress. His efforts, though unsuccessful, have stalled debate on education reform.

Calling the debate "a struggle for the soul of America," Helms said the American people "are sick and tired of crime, and pornography, and mediocre schools, and politicians who cater to every fringe group that comes down the pike."

He offered public school prayer as a solution to those problems.

Sen. Barbara Boxer, D-Calif., said that government does not need to tell Americans when, where, what and how to pray.

"I believe in prayer. I belong to a house of worship in my home county. I am proud. I support education of children so that they learn about religion. But, there is a difference between that and prayer in public schools."

— Sen. Barbara Boxer

Americans curtail giving to charity, survey reveals

Apparently worried about their financial security despite the economic good news of the past two years, Americans are giving less money and time to charity, a recent survey by a Washington-based coalition of charitable groups indicated.

The survey by Independent Sector found an impressive 73 percent of American households — 71.5 million — reported charitable contributions in 1993. But it also found that the average amount given declined from \$978 in 1989 to \$880 in 1993, an 11 percent drop in current dollars. Δ

Minnesota human-rights agency enters Muslim case

The Minnesota Department of Human Rights has charged the city of St. Paul with religious discrimination after it ticketed a Muslim woman for being in a mall with her face fully veiled.

Tayyibah Amatullah, 21, was cited by St. Paul police, who said she was in violation of a state law that prohibits people from concealing their identity with a "disguise" while in a public enclosure.

At first she would not respond to police; she then told them she was a devout Muslim who covered her face out of modesty. The officers forced her to remove her veil.

The misdemeanor charge has since been dropped, but Muslim activists want an apology from city officials.

Deputy Human Rights Commissioner Tracy L. Elftman said the state and city will attempt to negotiate a change in the way St. Paul enforces the law. If that fails, she said, the attorney general will push the matter in court. Δ

Harassment laws to be enforced, EEOC chief says

With or without interpretative guidelines, the Equal Employment Opportunity Commission will enforce the federal ban against religious and other types of harassment in the workplace, the commission's new chairman said Oct. 26 in his first press conference.

Gilbert F. Casellas emphasized that the commission's decision last month to withdraw controversial workplace harassment guidelines did not mean the agency would retreat from its mission to combat discrimination.

EEOC is charged with enforcing the 1964 Civil Rights Act's ban against employment discrimination based on race, color, religion, sex or national origin. Last year, the commission drafted guidelines designed to help employers and employees understand what types of harassment are unlawful under the 1964 act.

The entire package of guidelines eventually was withdrawn after Congress pressured EEOC not to implement those dealing with religious harassment. Δ

PEW, PULPIT & the LAW

Q: I've heard that Madalyn Murray O'Hair is trying to remove religious broadcasting from the airwaves. Is it true?

A: No. But, this mythical petition to ban religious broadcasting is circulating again. Rumors of such a petition have surfaced for decades, resulting in more than 20 million letters and postcards sent to the Federal Communications Commission opposing the ban. In 1974, two public broadcasting advocates in California petitioned the FCC asking that agency to investigate the operations of religious broadcasting stations. The petition was denied eight months later on First Amendment grounds. Since that time, rumors persist that the nation's most famous atheist is still working for this fictitious ban. (JBW)

REPORT from the CAPITAL

Single Subscription:

- ☐ One year \$10.00
- ☐ Two years \$18.00

Student rate

- ☐ One Year \$ 6.50
- ☐ Two years \$12.00

Bulk rate (one year)

- ☐ 100 copies \$250.00
- ☐ 50 copies \$175.00
- ☐ 25 copies \$125.00

Name _____

Address _____

City _____

State _____ Zip _____

Baptist Joint Committee

200 Maryland Ave., N.E.
Washington, D.C. 20002
202-544-4226

VIEWS OF THE WALL

The client



MELISSA ROGERS

Associate
General Counsel

influenced by his courage. The lawyer develops a deep dedication to her client and eventually saves him from death.

While watching this movie I was reminded that, for a lawyer, the nature of one's client is pivotal. A worthy client can convert a lawyer's professional obligation to a spirited crusade. Conversely, a client whose motives and goals are uninspiring will test a lawyer's commitment.

I have experienced both types of attorney-client relationships. Before coming to the BJC, I worked at a large law firm and specialized in representing telecommunications companies. There is a lot of money at stake in telecommunications today. Consequently, I fought doggedly for things like frequencies, megahertz and picocells. I battled over paging and microwave licenses. I watched utility tariffs like a hawk. Curiously, John Grisham seems to have overlooked this drama-filled slice of the lawyer world.

As you may have gathered, serving these companies was not terribly fulfilling for me. My low-tech, idealistic nature made it difficult for me to identify with this clientele's motives and goals. I ultimately decided to leave the firm, promising myself that I would find a client whose motives I understood and goals I supported.

Shortly thereafter I arrived at the BJC and found a client that engenders great loyalty and respect. My new

In the movie "The Client," a young boy witnesses a mafia-related suicide. That event triggers feverish attempts by the mob and the district attorney to gain control of him. Sensing danger, the boy hires a canny lawyer who is profoundly

"client," of course, is the BJC, but in a real sense, it is also the principle of religious liberty. Unlike previous clients, religious liberty has consistent goals, so there is no need to argue one position today and the opposite tomorrow. Even though the battlefield changes, the objective is fixed.

After working for this new client for a number of months on a volunteer basis, it also has become apparent to me that this client defines success differently than most. While most patrons evaluate their lawyer through financial results or avoidance of imprisonment, financial advantage is irrelevant to our client and incarceration is not a threat. And, although most care only for their own legal success, for our client to win, every religious adherent must win — anything else would not be a victory.

My appreciation for religious liberty and those who treasure it stems not only from work experience, but also from my heritage. My grandparents' participation in an effort to open their church to all races during the 1970s was a dramatic symbol to me of the importance of religious freedom. Their struggle ultimately resulted in the birth of a new Baptist church that, in its early days, met in the only place open to it: a local Jewish synagogue.

While visiting the new church, I was awed by the group's determination to claim its beliefs and by the idea that a new church could be formed around shared convictions. The role of the Jewish synagogue also deeply impressed me. Religious liberty allowed these Baptists to carry out their faith, and the Jews' commitment to the same principle led them to open their synagogue to a group of displaced Christians. This event awakened me to the value of religious freedom, and I now consider it a great privilege and responsibility to work for that cause.

Religious liberty may not be the subject of the next Grisham novel, even though there is plenty of material for it. Nevertheless, I am grateful to have such a fascinating and inspiring client. Δ

BOOK REVIEW

Politically Incorrect: The Emerging Faith Factor in American Politics

Ralph E. Reed, Word Publishing, Dallas, 1994, 267 pp.



Ralph Reed has written something that I agree with. "Religious values are not a threat to democracy; they are essential to democracy." Yes. Unfortunately, this leader of Pat Robertson's Christian Coalition doesn't stop there.

In a chapter titled "Separation of Church and State: 'Christian Nation' and other Heresies," Reed says that the Religious Right does not want a "Christian" nation but a religious one without official sects. Closely parroting David Barton, Reed asserts that "the United States of America was founded on religious principles by religious people." Barton is probably disappointed by Reed's lack of orthodoxy in departing from the well-worn refrain of "Christian founders of a Christian

nation." Reed then cites, both in and out of context, a passel of Supreme Court justices and ex-presidents who tout America's Christian nature.

In his quest to debunk all prevalent "heresies," Reed claims that church-state conflicts are of recent vintage. Believing that the contemporary loss of "civil religion" has undercut the wholesomeness of our 19th century morality, Reed contends that "civil religion, like the separation of powers and the Bill of Rights, provides an insurance policy against tyranny" and "would allow the healing influence of religion — all religions — to be freely expressed in the public square."

Reed ignores the fact that our country always has had to negotiate church-state conflicts, at least since Roger Williams was banished to Rhode Island by a Christian coalition in Massachusetts Bay. Reed never defines his use of "civil religion" which, at its worst, devolves into idolatry. And, anyone who still thinks that the public square has been shorn of religious talk hasn't been listening to the discussion

over the last several years.

Citing unproven allegations of sexual misconduct against the president and financial impropriety, as well as differences on "moral" issues, Reed says that a "healthy respect for religious values" is achieved when those "values are reflected in both the policies and conduct of his presidency." Does the president respect religious values only when he agrees with the policies of the religious right? That is certainly the implication, although Reed denies it. He cites Jimmy Carter, "despite all his shortcomings," as one who wears his public faith well.

As a final assault on the Supreme Court's church-state jurisprudence, Reed decries the court's ruling in *Employment Division v. Smith* and lauds the passage of the Religious Freedom Restoration Act. One can only ask: Where were you Mr. Reed and your Christian Coalition during the battle to pass RFRA? Δ

— Skip Lockwood
BJC Public Affairs Assistant

REPORT from the CAPITAL

James M. Dunn
Executive Director
Larry Chesser
Editor
Pam Parry
Associate Editor
J. Brent Walker
Book Reviews

REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee.

Established in 1936

Baptist Joint Committee on Public Affairs
200 Maryland Avenue, N.E., Washington, D.C. 20002
202-544-4226

Supporting bodies: Alliance of Baptists • American Baptist Churches in the U.S.A. • Baptist General Conference • Cooperative Baptist Fellowship • National Baptist Convention of America • National Baptist Convention U.S.A. Inc. • National Missionary Baptist Convention • North American Baptist Conference • Progressive National Baptist Convention Inc. • Religious Liberty Council • Seventh Day Baptist General Conference • Southern Baptist state conventions and churches.

Baptist Joint Committee
200 Maryland Avenue, N.E.
Washington, D.C. 20002

Non-profit Org.
U.S. Postage
PAID
Riverdale, MD
Permit No. 5061

06100 MAYL7J K 000
DR. LYNN E. MAY JR.
HISTORICAL COMMISSION
127 NINTH AVE., N
NASHVILLE, TM 37234