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# REPORT from the CAPITAL

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## NEWS MAKERS

**John Binder**, executive director of the North American Baptist Conference since 1979, has retired. He began his ministry with the conference in 1960, serving in youth work. In 1968, he became editor of the *Baptist Herald* and director of the Stewardship and Communications Department.

**Sen. Howard Metzenbaum**, D-Ohio, recently was awarded the Madison/Jefferson Religious Freedom Award by Americans United for Separation of Church and State for his long-time commitment to church-state separation.

**Robert L. Vernon**, former assistant chief of the Los Angeles Police Department, lost his claim that city officials violated his constitutional rights by investigating whether his religious beliefs improperly affected his on-duty police department performance. The lower courts ruled that his free exercise of religion was not substantially burdened, and the U.S. Supreme Court declined to review the case.

**Judge Charles E. Wiggins**, writing for the majority in the 9th U.S. Circuit Court of Appeals, said that "school officials cannot divest themselves of constitutional responsibility by allowing the students to make crucial decisions." The court ruled that student-initiated prayer at public school graduation was unconstitutional, according to a news report. "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities," he wrote. The ruling conflicts with a 5th Circuit decision, and observers speculate that the contradictory rulings will prompt the nation's high court to resolve the conflict. Δ

## Next Congress may replay prayer debate

**W**ith Republicans setting the agenda for the 104th Congress, the nation's long-running battle over school prayer may return to center stage next year.

After the GOP won majorities in both houses of Congress in the Nov. 8 election, Rep. Newt Gingrich, R-Ga., expected to be the next speaker of the House, called for a constitutional amendment to restore organized prayer to the classroom.

The Supreme Court has refused since 1962 to permit school-sponsored prayer.

Gingrich, a Southern Baptist, said he wanted a House vote on school prayer by July 4. But after some key Republican Senators said Congress should tackle economic issues before getting bogged down in a tough battle over school prayer, Gingrich reportedly indicated he is flexible about the timing of a school prayer vote.

President Clinton initially expressed openness to discussing the prayer issue with lawmakers. But both the president and White House officials later underscored that the administration supports a neutral moment of silence in the classroom, not a constitutional amendment to permit organized prayer.

"I do not believe we should have a

constitutional amendment to carve out and legalize teacher- or student-led prayer in the classroom," Clinton said Nov. 22. "I think that is inherently coercive in a nation with the amount of religious diversity we have in this country. I think that would be an error."

Only rarely have proposals to amend the Constitution to permit organized prayer reached a floor vote.

The last House vote came in 1971 when Rep. Fred Schwengel, a Republican Baptist Congressman from Iowa, led the fight to defeat the measure. More recently, the Republican-led Senate fell 11 votes short of approving President Reagan's proposed school prayer amendment in 1984.

Religious groups reacted swiftly to the latest school prayer proposal.

"Once again we see politicians playing politics with prayer," said James M. Dunn, executive director of the Baptist Joint Committee.

"It's absurd to think we need to amend the Constitution to allow 'voluntary' prayer," Dunn said.

"Kids can pray in school right now and not just before math tests," he said. "They can meet in the schoolhouse in groups before the school day for prayer and Bible study. And they do so legally and constitutionally." Δ



## Religious groups oppose school prayer amendment

*"We oppose any effort of government to poke its nose into our prayers, especially our children's prayers."*

— Robert W. Tiller, ABC/USA

## Religious groups oppose school prayer amendment

The sacred act of prayer should be left to houses of worship, families and individual believers — not the government — said an interfaith coalition at a Nov. 22 press conference on the steps of the U.S. Supreme Court.

The group, including Baptists, Jews, Muslims, Buddhists, Lutherans, Presbyterians and Episcopalians, called on lawmakers to refrain from amending the Constitution to allow state-sponsored prayer in public schools.

The decades-old controversy was renewed soon after Republicans gained control of both houses of Congress for the first time since the 1950s. Rep. Newt Gingrich, R-Ga., who is expected to become the next speaker of the House, called for a constitutional amendment to restore prayer to the classroom.

J. Brent Walker, general counsel of the Baptist Joint Committee, told reporters, "We categorically reject the notion that this is a debate between religious folk who favor the amendment and secular civil liberties groups who oppose it. ... We stand against the amendment precisely because we believe so fervently in prayer and don't want to see government meddling in it.

"When government tries to get into the religion business, it usually fouls things up," Walker continued. "To



Walker responds to a question at Nov. 22 school prayer news conference.

quote one of my spiritual ancestors, a hell-fire preaching colonial Baptist from Virginia named John Leland: 'The fondness of magistrates to foster religion has done it more harm than all the persecutions ever did.'"

The amendment is unnecessary, he said, because students already have the right to pray. They can pray privately, orally and in a group as long as they don't disrupt the classroom, he said.

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, appealed to Gingrich, "this is a wrong-headed, misguided, divisive

agenda. If forced to, the religious community will organize — as we have in the past — to defeat it. If you pursue this as a priority issue, you will have distracted this nation's attention from its real problems — crime, health care, political gridlock — to a divisive and doomed false panacea."

Robert W. Tiller, director of governmental relations for the American Baptist Churches, USA, said, "Because both prayer and personal conscience are central to our religious faith and practice, we oppose any effort of government to poke its nose into our prayers, especially our children's prayers, or to establish anything about prayer."

Tiller pointed to 1980 and 1986 statements by American Baptists opposing state-sponsored prayer. "The wisdom of those statements is appropriate for today and far into the future," Tiller said. "Any attempt to legislate anything about prayer is both misguided and coercive and should be opposed by all persons of faith."

Fifteen religious groups, including the BJC, expressed opposition to the constitutional amendment in a Nov. 18 letter to President Clinton.

Mark Pelavin of the American Jewish Congress said that House Republicans have misread the recent election to mean Americans want less government involvement except in their spiritual lives. The notion that voters want government to organize their prayers is a miscalculation, he added. Δ

## Baptist leader S.M. Wright dies

S.M. Wright, a member of the Baptist Joint Committee and a longtime Dallas civil rights leader, died Nov. 3.

Wright, president of the National Missionary Baptist Convention of America, was pastor of the Peoples Missionary Baptist Church in Dallas for 37 years. Wright also chaired Dallas' Interdenominational Ministerial Alliance and worked for civil rights causes in that community.

The *Dallas Morning News* paid tribute to Wright's accomplishments: "It is fitting that S.M. Wright preached to his congregation Sunday, just four days before cancer took his life. His tireless efforts as a man of the church and an ethnic diplomat for social

equality in Dallas will long be remembered."

James M. Dunn, BJC executive director, called Wright a "loyal friend and a tireless champion of justice who practiced the fine art of the possible in a difficult day for race relations in Dallas and stood tall in the religious community."

Fellow board member Marvin Griffin, pastor of Ebenezer Baptist Church, Austin, Texas, said Wright had a "long and praiseworthy service" to his convention and local church. He led his congregation to erect its building and was one of the founders of the National Missionary Baptist Convention, which organized in Wright's church. Δ

"[T]he question is: is public school prayer apt to serve authentic religion, or is it apt to be mere attitudinizing, a thin gruel of vague religious vocabulary? ... According to some polls, more Americans favor prayers in schools than regularly pray in church. Supermarkets sell processed cheese and instant mashed potatoes, so many Americans must like bland substitutes for the real thing. But it is one thing for the nation's palate to tolerate frozen waffles; it is another and more serious thing for the nation's soul to be satisfied with add-water-and-stir religiosity. When government acts as liturgist for a pluralistic society, the result is bound to be a puree that is tasteless, in several senses." Δ

— George F. Will  
*Newsweek*  
June 7, 1982

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## Playing games with prayer



J. BRENT WALKER  
General Counsel

proposes a vote in the House by the Fourth of July. Once again, the sacred act of communicating with Almighty God has been turned into a political football.

The amendment probably will be similar to one proposed last month by Rep. Ernest Istook, R-Okla., which reads: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

What's wrong with that? Plenty.

Students already have the right to pray in the public schools. They can pray privately any time they like — in the classroom, the lunch room or the playground. They can even pray orally and collectively, as long as it's not disruptive. Under the Equal Access Act, religious clubs abound and provide a constitutionally permissible opportunity for devotional Bible reading as well as prayer. Neutral moments of silence provide another opportunity for prayer. Finally, the church-based "See You at the Pole" program — through which students are able to assemble and pray around the flagpole — has spread like wildfire throughout the country. So the amendment is completely unnecessary.

But it is clear that the proponents of the amendment want more. A moment of silence that provides ample oppor-

**E**mboldened by their recent victory, Newt Gingrich and other House Republicans have called for a constitutional amendment to return state-sponsored prayer to the schools. Congressman Gingrich pro-

tunity for student prayer apparently is not enough. A key Gingrich aide said: "What we are after is not voluntary silence but voluntary prayer." Voluntary? More like the oxymoronic "mandatory/voluntary" prayer. What they want is the return of state-sponsored prayer in the schools.

The Istook language (which is not even limited to "student" prayer) would allow a teacher to stand up in front of the classroom and participate in the prayer with the entire class. But the proposed amendment says that the state can't compose the prayer. True, but the school must somehow select the prayer even if it doesn't compose it, which will allow the government to prefer certain religions and abuse the consciences of our children. It gives friends of religious liberty little comfort for the teacher to call on a student to do the praying. The state's role in facilitating such worship is still out of line.

But doesn't the amendment say that no one can be forced to participate in the prayer? Yes, but to send out of the room children who don't want to pray does not solve the problem. It only highlights the prayer's coercive effect and says to those who do not worship the "god of the classroom" that they are outsiders and second-class citizens. Our public schools belong to all Americans, not just to those who espouse certain beliefs.

It is always extremely dangerous to fiddle with the Constitution, particularly the First Amendment. For over two centuries the religion clauses in the First Amendment have stood as twin pillars holding up our religious liberty. It's also risky to mess with the Bible. Jesus clearly taught us to not make a spectacle of prayer, but to pray in private.

The BJC believes fervently in prayer; we also treasure the Constitution. Precisely because we believe in both, we don't want government telling our children when, where or what to pray. Prayer should be left to churches, to the families and to the students themselves. Δ

## BOOK REVIEW

### The December Wars

Albert Menendez, *Prometheus Books, Buffalo, 1994, 170 pp.*



An overwhelming majority of Americans celebrate the historically religious holiday, Christmas, although 8 percent of Americans claim to have no religious affiliation and 32 percent are not members of a church or synagogue. In a society in which religious convictions are very diverse, the battles over what amounts to governmental endorsement of religion are ever present. Albert Menendez combines these two thoughts among others as he explores the battles over religious symbols in the public forum in his new book, *The December Wars*.

By tracing earlier Christmas celebrations, the author discloses the long history of government involvement with the holiday. He recounts stories that display the struggle between the English Parliament and the colonies over how to observe the holiday.

During the 17th Century, Puritans perceived the day as the one on which more sin, sacrilege and pagan foolishness were committed than on any other.

Menendez gives two issues credit for the rise of the Christmas dilemma in the public schools in modern America: the increasing religious and cultural pluralism of society and the desire of conservative Christians to reassert their influence over the nation's public life, culture and educational institutions. Menendez discusses the guidelines set out by the U.S. Supreme Court for use in balancing religious issues in public schools. He suggests that holiday activities should be used solely for educating and should make no student feel excluded or compelled to accept a particular religion.

Finally, the author discusses the issue of religious symbols in the public forum. Menendez explains controversial court cases in a manner that is understandable and yet challenges the reader to evaluate the consistency, logic and applicability of the decisions. He

shows that no easy answer exists to this hot-button issue.

The court has ruled that some holiday displays are permissible because of our nation's heritage, but endorsement by the government must be guarded against. To strike the correct balance, the court must weigh issues such as freedom of religion, freedom of speech, equal access to all religions and prevention of endorsement.

The book is an eye-opening account of how the Christmas holiday has developed in cycles of popularity and the different ways in which governments have responded. With the current overwhelming popularity of the Christmas holiday, Menendez encourages readers to reflect on the effects of governmental endorsement of religion and take all precautions possible to ensure the freedom of religion for all the nation's citizens. Δ

—Bridget Johnson

Senior, Carson-Newman College  
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