



REPORT from the CAPITAL

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NEWSMAKERS

Argentina President Carlos Menem told delegates to the Baptist World Congress in Buenos Aires that his country lives harmoniously with diversity because of its adherence to religious freedom. Menem, addressing the opening session of the international event, said that he is convinced that unless the soul is protected no other rights can exist.

Circuit Judge Daniel Murphy of Albany, Ore., has refused to drop criminal charges against a couple whose son died of leukemia after they relied on prayer rather than medical treatment. The parents, **Loyd and Christina Hays**, are members of the Church of the First Born, an independent congregation. They argued that the manslaughter charges filed against them violated their freedom of religion. They contend that state law accepts spiritual healing as a form of care and that they relied on New Testament teachings. Murphy said that the state has a compelling interest in protecting children.

Stanko Jambrek, secretary of the Protestant Evangelical Council, criticized a proposed new Croatian law that would decide the status of legal religious groups based on their numbers. He said that the proposal "puts democracy in Croatia to the test."

Four Moroccan Christians arrested in early August for proselytism were released after an Aug. 17 trial in Tangier, Morocco. The Christians include **Mehdi Ksara**, 88, who holds dual Moroccan and U.S. citizenship; **Fouad Jaafar**, 27; **Samir Benali**, 24; and **Mohcen Ibrahim Belhaj**, 20. Despite their release, it's unclear if any charges still are pending against them, according to an international news source. An evangelical worker in Morocco said the case is indicative of "a real crackdown on Christianity" in the Islamic nation. Δ

School officials get help on sensitive subject

Local school officials caught in a cross fire over the role of religion in public schools now have a new tool to aid them in dealing with the sensitive issue.

In mid-August, Secretary of Education **Richard Riley** mailed the nation's 15,000 school superintendents a set of guidelines detailing the extent to which religious expression is permitted in public schools. The mailing complied with President Clinton's July directive to make sure school officials understand that the Constitution does not make schools "religion-free zones."

Riley emphasized at an Aug. 30 news conference that the principles communicated to the superintendents reflect the First Amendment's requirement that government neither establish religion nor prohibit its practice.

"This guidance reflects what we determined to be the current statement of the law," Riley told reporters.

He said the guidance drew heavily from a statement of current law on religion in schools developed by a coalition

of religious groups, including the American Jewish Congress, the Christian Legal Society, the National Association of Evangelicals and the Baptist Joint Committee.

The guidelines "won't solve all the problems," Riley said, but he hopes they "will end some of the confusion." He called the guidance an effort to "encourage people to lower their voices" in the often noisy battle over religion in schools and "to come together for the good of the children who are there to learn."

Deputy Secretary of Education **Madeleine Kunin** said finding common ground in this controversy is important for children.

"School is a place where we should concentrate on education and not make it a battle ground for these issues," she said.

The battle over religion in public schools has raged with various levels of intensity since the U.S. Supreme Court

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Steinhilber, Riley, Walker and Kunin at news conference about guidelines.

Wisconsin supreme court blocks voucher program

The Wisconsin Supreme Court blocked Aug. 25 implementation of the country's only voucher program for religious schools.

The program, touted by Wisconsin Gov. Tommy G. Thompson, was designed to expand the state's current voucher system to include private religious schools. Currently, low-income students receive vouchers to attend the public or private, non-religious school of their choice.

Religious liberty groups argued that state funding of sectarian schools violates the state and federal constitutions.

The American Civil Liberties Union of Wisconsin and Americans United for Separation of Church and State have challenged the program, and the state's high court barred implementation until the lawsuit can be resolved.

"The Wisconsin court wisely said 'no' to the blatant attempt to funnel taxpayer dollars to the coffers of sectarian schools to teach religion," said J. Brent Walker, general counsel of the Baptist Joint Committee.

But proponents of the program called the court action a temporary setback and predicted that the final verdict will be in their favor. Δ

United Methodist minister loses appeal in tax court

The Fourth Circuit Court of Appeals has upheld a tax court decision that a United Methodist minister from North Carolina is not self-employed.

In August 1994, the tax court agreed with the Internal Revenue Service's contention that the Rev. Michael D. Weber was not self-employed. Weber is the pastor of five United Methodist churches in the Stonewall, N.C., area.

David A. Ullrich, associate general counsel for the United Methodist General Council on Finance and Administration, said the church can appeal to the U.S. Supreme Court, seek a change through legislation or have further talks with the IRS.

He said the ruling may cause some clergy to feel obligated to deduct professional expenses on Schedule A rather than Schedule C, a tax form for those who are self-employed.

It is uncertain how the case will affect other denominations. Some clergy, such as those in the Episcopal Church, already file as employees, but others do not. Δ

Baptists should influence government, Dunn says

All Baptists ought to have a political agenda by which they try to influence, but not control, government, a church-state specialist said Aug. 23.

James M. Dunn, executive director of the Baptist Joint Committee, appeared on "Washington Journal," a morning C-SPAN program that assesses the day's news.

Dunn said that his agency has a deep commitment to separation of church and state that does not translate into separation of politics from religion.

"There's an appropriate mix," he said.

Churches should not try to dominate the political process but to speak to it, he said, adding, "Influence, yes. Control, never." Δ

NCAA views prayer as unsportsmanlike

Showboating, taunting, spiking are traditional examples of unsportsmanlike conduct in collegiate football. But now, with the NCAA cracking down on such behavior, has praying been added to the list?

Not according to the NCAA.

The question arose recently when the NCAA Football Rules Committee released a video designed to explain the 3-year-old rule on excessive celebrations and taunting (Rule 9-2-1-a). The video attempted to clarify "gray areas" of the rule, said Gregg Summers, NCAA assistant director of publications and staff liaison to the committee.

The video depicted several behaviors that will be penalized. One of those examples was a player kneeling and "obviously praying," Summers said, adding that the kneeling, not the praying, would cause the penalty. The committee decided not to allow any kneeling regardless of the intent, he said.

His office has received numerous calls concerning the prayer issue since the video was released.

The video and the rule itself never

mention prayer, Summers said. The rule, he said, prohibits "any delayed, excessive or prolonged act, by which a player attempts to focus attention upon himself."

The NCAA is not launching a "prohibition against prayer," he said, adding that the committee does not want players posing, isolating themselves to draw the spotlight.

If a player quickly bows his head after breaking the end zone and is circling to join his teammates, that would not be a violation of the rules, he said. But when a player kneels or runs to the corner of the end zone and bows his head, that should be a penalty, because that player is isolating himself for attention, he said. Δ

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struck down school-sponsored religious exercises in the early 1960s.

Since those decisions, school boards have been caught in the cross fire, according to Gus Steinhilber, general counsel of the American School Boards Association.

"While we were not part of the development of the guidance, we were very pleased to see it produced," Steinhilber told reporters.

Steinhilber predicted the guidelines will lessen litigation over religion in the schools.

"Most of the litigation we have right now and most of the problems we have are in the church-state field," he said.

BJC General Counsel J. Brent Walker described how diverse religious groups came together to draft a document detailing the types of student religious expression permitted under existing laws and court interpretations. He said the ecumenical spirit shown by the diverse groups may be as important as the legal principles spelled out in the document, titled *Religion in the Public Schools: A Joint Statement of Current Law*.

"The attempt to come together and find some common ground of agreement ... may well serve as something of a model for others out in the country ... to talk to one another and come to some common agreement before one side or the other runs off to the courthouse or to the school board or to the county commission," he said. Δ

QUOTING

Don't you think it's a bit weird today to read about politicians (some of them so-called Baptists) pretending that religious freedom amendments or school prayer statutes magically will solve America's moral crisis? The Puritans keep rearing their restrictive heads. Among them is a congressman from Oklahoma with religious right debts to pay, who is advocating "majority rule" when it comes to prayers in our public schools. Sounds reasonable enough. Whoever has the most votes gets their way. Isn't that it?

Majority rule? Nope. Not in a constitutional republic, which America is. The Founders wisely restricted majority votes to politics, not religion. For minority rights subject to majority vote are no rights at all. You have to be an American to enjoy this brand of freedom.

Excerpts from Dan Ivins' pastor's column in The Tie Line, newsletter of First Baptist Church, Silver Spring, Md.

VIEWS OF THE WALL

Lawmakers return



J. BRENT WALKER
General Counsel

discuss as lawmakers return from the August recess. They don't involve a constitutional amendment, but they still pose a religious liberty threat.

• **Non-profit Gag Rule.** After a heated debate last month, the House approved a bill that would prevent non-profit organizations that receive any federal grant money from spending more than 5 percent of their other funds on a variety of broadly defined "political advocacy" activities. This involves not just lobbying Congress, but filing *amicus* briefs, writing letters to the editor and other forms of public discussion on issues that affect the non-profit community. Federal regulations already prohibit grant money from being used to lobby the government. This proposal goes further: Even if grant money is used for its intended purpose, the charity cannot use money from other sources to articulate its concerns in the public forum. This dangerous bill is sponsored by members of Congress who say they want to encourage private charities. Strange! Most churches wouldn't be affected because they don't take money from the federal government. But many religiously affiliated organizations, such as Baptist colleges and universities, might be affected. In any case, what harms charities in general sooner or later will end up hurting religious organizations as well. We hope to defeat this proposal in the Senate.

• **Welfare Reform.** Sen. Dole's welfare reform proposal (S.1120) has a provision that would encourage states

to funnel federal taxpayer dollars to pervasively sectarian institutions to pay for their ministries. This would clearly offend the Constitution. It would result in a violation of the religious liberty of both taxpayers and aid recipients and foster excessive entanglement between government and religious institutions. Under several of the bill's titles, there is no prohibition at all on use for "sectarian worship and instruction," and the provision promotes invasive involvement of government in religion by authorizing wide-ranging financial audits of religious institutions that receive, but do not segregate, federal funds. Many religiously affiliated organizations choose to provide social services with government funds in ways that do not involve proselytizing or religious education and are not delivered in a pervasively sectarian environment. This bill would not honor these crucial distinctions. While welfare may need fixing, we don't need to do it at the expense of our God-given religious liberty and its corollary, church-state separation.

• **Prison Amendment to RFRA.** Sen. Harry Reid, D-Nev., has filed a bill (S.1093) to amend the historic Religious Freedom Restoration Act of 1993 to exclude claims brought by prisoners. This is a misguided proposal. Accommodating religion in prison is a good thing. Religion facilitates rehabilitation. An amendment would establish a dangerous precedent so soon after RFRA's passage. We are pleased that Sen. Hatch, R-Utah, one of RFRA's primary sponsors and now the chairman of the Senate Judiciary Committee, has stated his unequivocal opposition to amending RFRA. Instead, he wants to work on some less intrusive forms of prison litigation reform. In the meantime, Sen. Hatch has assured us the Reid amendment will not move.

These are just several of the items we have on our plate this fall. As you can see, it promises to be a hectic season. Take a deep breath and stay tuned. Δ

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GUEST VIEW

**PAUL
ALAN
MASTIN**

In *That Godless Court?*, church-state scholar Ron Flowers points out that as government continues to grow, the opportunities for government intrusion

into and regulation of religion increase as well. While many church-state issues seem clear to those of us who support separation, we still may be unknowingly allowing ourselves to be taken in by excessive government intrusion, leading to increasing government control.

A recent article in *The American Spectator* pointed out the absurdly high levels of government money that many charitable organizations, including religious groups, gladly receive for charitable work. Because we know that these private organizations generally work effectively and efficiently, we may celebrate the fact that the money is going to those causes rather than to a bureaucratically bloated welfare system. I for one, would be thrilled to see Christian charitable organizations supersede

government charity and make it unnecessary — but not with tax money.

Few people working in Christian charitable organizations would claim, as must be necessary to receive government money, that their efforts are wholly secular. When my church hands out food weekly, it is always accompanied by the "bread of life" and given in the name of Jesus. While that food certainly serves a secular purpose, I am certain that no one involved in my church's food ministry would be willing to separate religious from non-religious motivations and intentions, even if it meant receiving government funds.

There has been talk on Capitol Hill by well-intentioned but misguided politicians, in the Christian Coalition's Contract with the American Family, about redirecting government welfare money to privately run charities. While this sort of proposal has plenty of appeal, Christians involved in church-related charitable causes must avoid the temptation to go to the government with hands outstretched, pleading for an opportunity to dig deep into the

pockets of Uncle Sam. His generosity does not come without compromising obligations to him.

Besides inviting the government to meddle in their affairs, Christian organizations that seek government money will see a corresponding decrease in the support of church members and contributors. When the government is seen as the provider of charitable relief, the church loses its sense of urgency and obligation toward charitable work.

Just as religion itself has thrived in the United States without government involvement, so can charitable causes, hospitals and schools survive and thrive without government funding. Again, Dr. Flowers: "Those who lust after government aid for religion invite that government involvement. They should ask themselves whether they really want supervision from government, telling them how to operate their religious enterprises."

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