



REPORT from the CAPITAL

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NEWSMAKERS

Monty and Diane Jordan of Talbott, Tenn., have begun their tenures as scholars-in-residence at the Baptist Joint Committee. Monty recently retired as pastor of First Baptist Church in Jefferson City, Tenn. They both taught part-time at Carson-Newman College. Also joining the BJC is Matt Anderson, who recently began an internship with the agency. Anderson, a graduate of Elon College in North Carolina, is working as an archivist.

Roberta Cooper Ramo, president of the American Bar Association, warned that justice has become the stuff of political fodder. Many citizens and leaders have lost sight of the principle that "justice is not simply another government entitlement, but the historic mandate of a free society."

Rachel Bauchman, a junior at West High School in Salt Lake City, will appeal a judge's dismissal of her suit against the school. A Jewish student, she claimed the school violated her constitutional rights by including religious songs in the school choir's repertoire. U.S. District Judge J. Thomas Greene ruled that devotional music sung in school is not an "explicit religious exercise."

Greg Warner, executive editor of Associated Baptist Press, announced that the *Dallas Morning News* has been named recipient of the ABP Religious Freedom Award, honoring the paper's pace-setting coverage of religion. During the past year, the Texas paper launched a new weekly religion section, strengthened its religion reporting staff and expanded religion coverage throughout the paper. Oliver S. Thomas, former BJC general counsel and now special counsel for religious and civil liberties at the National Council of Churches, was scheduled to speak at the Oct. 6 presentation banquet. Δ

Religious liberty gains not always welcomed

Enhanced religious freedom in Europe has been met with intolerance and discrimination, according to participants in a Sept. 27 briefing sponsored by the Helsinki Commission.

The Helsinki Commission (formally called the Commission on Security and Cooperation in Europe) said some governments in Europe have laws preferring one religion, and officials turn a "blind eye" to harassment and discrimination on the local level.

"Minority faith traditions encounter bureaucratic roadblocks to practicing their faiths and are often the objects of harassment, which is unchecked by civil authorities," said Rep. Christopher Smith, R-N.J., and commission chairman.

Paul Marshall, an academic consultant for religious liberty, discussed the importance of religious freedom and the factors that put a strain on it.

"Improvements in religious freedom in Eastern Europe have come about not so much by legislative change, but by different attitudes on the part of government functionaries," Marshall said.

He added that Orthodox Christianity in Eastern Europe "continues to intertwine church and state in a symphony, united in their joint mission."

The Romanian Orthodox Church is seeking to be declared the "national church." Marshall said the Armenian Apostolic Church is the "national church of the Armenian people" under a 1991 law.

Attacks on minority religious groups, such as Jehovah's Witnesses,

Protestants and Hare Krishnas, have increased this year, Marshall said.

Majority religions have felt threatened by new religions now legally practicing their faiths in Eastern Europe, resulting in discrimination and violence.

Khalid Duran, editor of the magazine *TransState Islam*, said much of the prejudice toward religious minorities in Europe resemble an "incubated disease."

When communism took over, Duran said, many religions had to go underground, which prevented an intra-religious exchange that would help overcome fears of and prejudices against minority religions.

He compared the ethnic cleansing in the former Yugoslavia to Nazi policy toward Jews during World War II.

"The cultural memory of a nation has been destroyed in the name of a type of Christianity."

Duran said one good thing has occurred as a result of the war in Bosnia. "Muslims have found help and understanding from the Jews. This is a revolutionary development."

Micah Naftalin, national director for the Union of Councils for Soviet Jews, said Jews are subjected to robbery, kidnapping, violence and vandalism in the former Soviet Union.

"While all religious groups have benefitted from the new religious liberty of the former Soviet Union, traditionally dominant churches have achieved a level of power akin to that of an officially established church," he said. Δ

— Kenny Byrd

BJC Communications Intern



Hatch says new measure would not amend RFRA

A bill introduced to curb prison litigation would not amend the Religious Freedom Restoration Act, according to one of RFRA's co-authors and sponsors.

Sen. Orrin Hatch, R-Utah, helped maneuver RFRA through the Senate. RFRA restored a high level of protection for religious practice that virtually was abandoned by the U.S. Supreme Court in 1990.

The issue of prisoners' religious rights arose during adoption of RFRA. Sen. Harry Reid, D-Nev., unsuccessfully attempted to amend RFRA to exclude prisoners. But the issue did not go away. Reid has continued to push for a prisoner amendment to RFRA.

Reid and Hatch joined Sen. Bob Dole, R-Kan., as he introduced the Prison Litigation Reform Act (S. 1279) at a Sept. 27 press conference. Other co-sponsors and state attorneys general voiced support for the bill at the press conference.

The bill is designed to curb frivolous prisoner lawsuits — more than 39,000 federal lawsuits were filed by inmates in 1994.

"Jailhouse lawyers with little else to do are tying our courts in knots with an endless flood of frivolous litigation," Hatch said.

Responding to a question, Hatch said that this free-standing bill does not amend RFRA, which Hatch heralded as "one of most important constitutional bills in history."

The new bill, however, would make it more difficult for prisoners to bring claims, including religious claims under RFRA.

"We applaud Sen. Hatch for standing firm on RFRA," said Brent Walker, Baptist Joint Committee general counsel. "It's every bit as important to protect the religious liberty of prisoners as the rest of us. Maybe more so." Δ

Christian leaders deplore attacks on public schools

Christian educators and ethicists from across the nation deplored "slandorous attacks" against public schools at a recent gathering in Dallas.

"The frenzied bashing of public

schools has obscured the fact that American public education is more successful than it has ever been," noted a document drafted at September's Maston Colloquium on "The Crisis in Public Education."

Last year's dropout rate in public schools was 11 percent, the lowest in history and the 11th straight year that the dropout rate declined, the group noted.

Even though much of the hostility against public schools comes from religious leaders, Christians were largely responsible for the creation and support of public education in America and "are still intimately involved in it every day," the statement said.

Some of the critics of public education want government money for parochial or private schools, the statement said. The group said it believes in "public money for public schools and private money for private schools."

Among the signers were BJC Executive Director James M. Dunn and board members: Tyrone Pitts, general secretary, Progressive National Baptist Convention Inc.; Sarah Frances Anders, a retired professor at Louisiana College and chair of the BJC board; Patricia Ayres, trustee, The Center for Christian Ethics, Austin, Texas; Cecil Sherman, coordinator, Cooperative Baptist Fellowship; and Phil Strickland, director of the Christian Life Commission of the Baptist General Convention of Texas. Δ

Senate works to involve churches in welfare system

The U.S. Senate took steps Sept. 13 to preserve church-state separation in a plan that would involve churches in welfare distribution programs.

The sweeping welfare reform package under debate in the Senate contained a proposal by Sen. John Ashcroft, R-Mo., that would allow churches to use federal funds to provide "sectarian worship and instruction" along with day care, hot meals and other services. Ashcroft and proposal supporters said that churches are better equipped than federal bureaucracies to run food programs and house the poor.

Critics said that the Ashcroft proposal would have unconstitutionally entangled church and state.

On a 59-41 vote, the Senate agreed to an amendment by Sen. William Cohen, R-Maine, that addressed those church-state concerns.

Cohen's amendment stipulated that churches could participate as benefit providers as long as the "programs are implemented consistent with the Establishment Clause." It also struck a federal mandate that would have barred states from requiring churches to establish separate non-sectarian entities to administer the programs.

Melissa Rogers, associate general counsel of the Baptist Joint Committee, said, "The Cohen amendment makes a bad bill a better one. It plugs a few of the constitutional leaks by emphasizing the Establishment Clause and giving states greater latitude to disburse funds in ways they feel are constitutionally sound." Δ

Methodists won't appeal ruling in clergy tax case

The United Methodist Church has decided not to appeal to the U.S. Supreme Court a lower court ruling that the denomination's clergy cannot be considered "self-employed" for income tax purposes.

"After a thorough discussion, the committee (on legal responsibilities) voted not to fund a further appeal," said Mary Logan of the denomination's General Council on Finance and Administration.

On July 31, the 4th U.S. Circuit Court of Appeals in Lynchburg, Va., upheld an earlier tax court ruling that the Internal Revenue Service was correct in deciding that the Rev. Michael Weber, a United Methodist cleric serving five parishes near Stonewall, N.C., was not "self-employed."

The IRS had denied Weber some business deductions he had claimed as a "self-employed" person.

Large numbers of United Methodist clerics have in the past defined themselves as self-employed for tax purposes.

Logan said the denomination will "pursue some type of amnesty" with the IRS for pastors who filed as self-employed "in good-faith reliance on the belief that this was the correct way to file." Δ

Pew, Pulpit & the Law

Q: How can I obtain a copy of the recently released IRS ministers' audit manual?

A: We have known for quite a while that the Internal Revenue Service is auditing ministers with greater vigor than once was the case. In fact, ministers have been targeted as one of more than 30 groups that will receive formal examination. The IRS recently has released the manual that it uses to train agents to audit ministers. You can get a free copy of the manual — "Market Segment Specialization Program: Ministers" — by writing to IRS Freedom of Information Reading Room, Box 795, Ben Franklin Station, Washington, D.C. 20044 or by faxing a request to (202) 622-9069.

It always helps to have the other team's playbook before the big game. (JBW)

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VIEW OF THE WALL

Educating educators



MELISSA ROGERS
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Talk about a rush to judgment. President Clinton's guidelines on religion and the public schools barely had reached the mailboxes of school districts across the nation when some Washington insiders hastily concluded that the

guidelines weren't working.

Meanwhile, outside the nation's capital, initial signs of guideline-related progress are cropping up. A recent article from the *Orlando Sentinel* (9/18/95) describes the type of improvement that is likely to be widespread. The story discusses the annual "See-You-at-the-Pole" day that has been popular with students nationwide since 1990. On this day in mid-September, students gather around the flag pole before or after school, hold hands and pray. School officials may neither discourage nor encourage participation in the event, which attracted more than 2 million student participants last year.

During its short history, there have been conflicts between school administrators and students. Mistakenly believing that the student activity raised church-state concerns, some administrators discouraged these events. The *Orlando Sentinel* notes that, in past years, central Florida school students organizing their local event have asked for legal assistance from Orlando's Liberty Counsel, a law firm that handles such matters.

But this year has been different. Mathew Staver, counsel for Liberty Counsel, told the *Sentinel* that he has had no requests for legal help so far this year. The *Sentinel* article connects this improvement with the issuance of the Clinton administration's guidelines, which say that students may participate in the See-You-at-the-Pole

event to the same extent that they participate in other non-curriculum activities on school premises. Staver praised the guidelines as "a very positive step forward for religious liberty" and said that, "we could have written most of those guidelines ourselves, that's how close they are to our position."

Obviously, not all conflicts over religion in the schools will be so easily and quickly resolved. But, the guidelines, along with their precursor, *Religion in the Public Schools: A Joint Statement of Current Law*, can make a difference. First, these documents can clear up the confusion that has surrounded many activities. May students distribute religious literature to their schoolmates subject to the reasonable time, place and manner restrictions imposed on the distribution of all non-school literature? May schools offer courses on comparative religion or the Bible-as-literature? Both documents clearly state that the answer is "yes."

Second, these documents can operate as a sort of "lawsuit insurance." When school officials learn that the *Joint Statement* (upon which the guidelines were modeled) was drafted and endorsed by such widely divergent groups as the ACLU, the Christian Legal Society, People For the American Way and the National Association of Evangelicals, they can feel fairly confident they will reduce the likelihood of a lawsuit if they follow its guidance.

Nevertheless, some critics claim that the guidelines and the *Joint Statement* cannot have any significant effect because they don't contain an enforcement mechanism. This criticism reveals a misunderstanding of the documents. Both are based on, and supported by, the First Amendment, the Religious Freedom Restoration Act and numerous court cases. Students who believe their rights to religious expression have been violated can call on these powerful legal weapons to enforce their rights.

It doesn't seem outlandish to expect that our educational institutions will be educable on this matter. As the school year starts, let's give these documents a fair chance to work. Δ

BOOK REVIEW

Cease Fire: Searching For Sanity In America's Culture Wars

Tom Sine, Wm. B. Eerdmans Publishing Co., Grand Rapids, 1995, 312 pp.



In his latest work, *Cease Fire*, Tom Sine explores the cultural battles currently being fought on the American landscape by Christians on the right and left ends of the political spectrum. From abortion to family values, Christians on the radical "religious right" and "politically correct left" have generated more heat than light. The lack of civility, coupled with increased hostility in the public debate, has led to a polarization among certain Christians.

The problem with this, Sine says, is that American churches have been influenced by a political ideology that is contrary to Christian theology in many ways. The narrow political views that some Christians identify with are

firmly planted in secular culture that has historical roots in the 18th century Enlightenment.

The bulk of the book is devoted to looking at the rhetoric and strategies of extremists on both ends. Sine contends that the "religious right" and "politically correct left" have both inaccurately defined what is wrong and the identity of the enemy. This is evidenced in Sine's detailed analysis that highlights the various conspiracy theories both groups hold, their preoccupation with power and their attempts to demonize those who disagree.

The author then proposes an alternative for Christians who share the concerns of those on the right and left (e.g., the breakup of the nuclear family, the decline of morals, escalating violence) but are reluctant to side with the extreme positions of either group. For these Christians, sanity can be found in what Sine calls "a third way." This way is not to be understood as a "middle-of-the-road" position between two political extremes. Rather, it is a "radical biblical way that transcends the highly

politicized agenda" of both the religious right and left. Sine sets forth concrete examples of how his proposed vision can be translated into action. Readers may not agree with all his suggestions, but they do provide a starting point for finding ways our Christian faith can truly inform issues debated in the public square.

Cease Fire is recommended reading for persons who seek to understand the assumptions of the political right and left, as well as those who are searching for an alternative to the extreme views being espoused by both groups today. Sine's call for responsible Christian engagement in politics is a message we all need to hear and heed. Δ



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REPORT from the CAPITAL

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