



REPORT from the CAPITAL

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NEWSMAKERS

Jim Wallis, spokesperson for a coalition of evangelicals offering alternative voices to those of the religious right, said that the nation's ills won't be cured by the Christian Coalition's agenda. "The Christian Coalition talks about a deep spiritual crisis, but their answer is to elect as many right-wing Republicans as possible. That's their plan. They have no other plan. That's not a strategy for a spiritual crisis."

Gov. Fob James of Alabama supported the state school board's vote to note in its biology textbooks that evolution is a theory rather than a fact. The insert describes evolution as a "controversial theory some scientists present as a scientific explanation for the origin of living things, such as plants, animals and humans. No one was present when life first appeared on earth. Therefore, any statement about life's origins should be considered as theory, not fact." Prior to the vote, James, the board's president, urged members to approve the message and mockingly posed with slumped shoulders to imitate textbook illustrations of humans' evolution from apes.

Anne Nicol Gaylor, president of Freedom From Religion Foundation, asked the nation's mayors and governors to issue Thanksgiving proclamations, designating a special week to celebrate church-state separation. "You receive requests to proclaim 'Bible weeks' and 'days of prayer,' to participate in your official capacity in 'prayer breakfasts' and even to declare this a 'Christian nation' as if Jews, atheists or other non-Christians were not even bona-fide citizens," she said. The group also asked officials to recognize Thomas Jefferson's 1802 letter to Danbury Baptists in which he used the term "wall" of separation between church and state. Δ

Religious equality measure introduced by Rep. Hyde

The long-awaited Religious Equality Amendment to the U.S. Constitution was introduced Nov. 15 in the House of Representatives, and constitutional specialists are scrambling to assess what it means.

The Baptist Joint Committee and other members of a coalition of religious and civil liberties groups say the proposal (H.J. Res. 121) would perform radical surgery on the First Amendment, which has not been amended in more than 200 years.

Other groups, such as the National Association of Evangelicals and the Christian Legal Society, support the measure, saying that it would help eliminate religious discrimination.

Rep. Henry Hyde, R-Ill., and chairman of the House Judiciary Committee, introduced the bill. The bill says neither the federal nor any state government "shall deny benefits to or otherwise discriminate against any private person or group on account of religious expression, belief, or identity; nor shall the prohibition on laws respecting an establishment of religion be construed to require such discrimination."

J. Brent Walker, BJC general counsel, said the amendment is unnecessary.

"Prayer has not been kicked out of the public schools and religion has not been banished from the public square," Walker said. "Current law allows students to pray any time they like—even orally and collectively as long as they are not disruptive."

He added, "What current law does not allow—but the new amendment would permit and sometimes require

— is government endorsement of religious messages and promotion of religious activities."

For example, he said the amendment would require government to fund religious activities in the same manner it funds secular activities.

"This would ultimately allow the government to coerce, control and compromise religion."

The measure also would permit government-sponsored religious expression, he said.

"Religious expression and the advancement of spiritual beliefs should be left to houses of worship, families and

individual citizens."

The CLS and NAE insisted the proposal would not damage the First Amendment but would simply rectify the courts' misinterpretation of it.

Samuel Casey, CLS executive director, said, "We seek equal treatment of private religious speech—no more, no less than secular speech."

Steven McFarland, director of the CLS Center for Law and Religious Freedom, said the amendment would "resolve democratically the issues that presently tie up citizens in court for years. The Supreme Court has frequently cloaked discrimination in the guise of neutrality."

Forest Montgomery, NAE counsel, said the amendment "is needed to secure the right of every American to religious freedom, according to the dictates of conscience. Indeed, religious freedom is the bedrock principle that animates our republic, undergirds morality and defines us as a people." Δ



U.S. REP.
HENRY HYDE
R-ILL.

Religious
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Amendment
Sponsor

Baptists face challenge, Dunn tells ABC board

Plagued by pluralism, pietism and polarism, Baptists today face a major challenge in preserving freedom, James M. Dunn told the General Board of American Baptist Churches in the U.S.A.

Dunn, executive director of the Baptist Joint Committee, offered that assessment during the opening session of the board's Nov. 16 meeting. ABC/U.S.A. is one of the national supporting bodies of the BJC.

"We all have trouble living with pluralism, a dominant characteristic of our times," Dunn said.

Confronted with the diversity of a multicultural society, some Christians respond with a moral creed, he said.

"We may be unwilling to impose a theology, but we have always been quick to come up with a nice moral measure for all believers," he said. "Every generation and geography has had one. When I was a teen-ager in Texas, it was, 'I don't drink; I don't chew; I don't go with girls that do.'"

But rather than impose creeds, Dunn said, the biblical response to pluralism is to be faithful to one's identity and values while living with and respecting people who hold other views.

"The complexities of our pluralistic society demand a greater dependence upon the Bible, a deeper reliance upon faith and more fervent prayer than simpler times may have called for."

Freedom is also threatened, Dunn said, by a "holier than thou" pietism and claims to "know the mind of Christ."

"We cannot afford merely to talk about the Bible," he said. "Rather, we who take the Bible seriously must take it so seriously that we understand the language, the historical context, the sociological setting. No light-fingered lifting of proof texts to back our preconceived notions."

The "false and limited choices" of polarism are the third threat Dunn identified.

Many choices in Baptist life are not "either-or" decisions. Instead, they involve ideals that must be held in creative tension.

"It's not either sola fide (faith alone) or sola scriptura (the Scripture only).

It's both," he said.

Dunn said a choice between autonomy and interdependence cannot be forced "unless our goal is to destroy the denomination, our mission outreach and all the positive things we do together. Denominational headquarters for Baptists is always the local church. Each church is sovereign in its own affairs, yet we choose to work together and God will hold gravely accountable those who destroy the fellowship."

Creative tension is also called for, he said, in choices involving the individual and the institution, the idealistic and the incarnational, freedom and responsibility. Δ

House drops non-profit restriction from measure

The U.S. House of Representatives dropped Nov. 10 a provision in a temporary spending measure that would have restricted lobbying by non-profit groups.

The House dropped the provision after it was diluted in the Senate.

The provision, sponsored by Rep. Ernest J. Istook Jr., R-Okla., would have prohibited organizations engaged in lobbying or political advocacy with revenues of more than \$3 million from receiving any federal funds.

The Senate watered down the language and sent it back to the House where lawmakers dropped it.

The provision was attached to the continuing resolution designed to keep the federal government funded after Nov. 14. The president vetoed the spending resolution, leaving the administration and lawmakers scrambling to come up with a way to keep the government funded.

Opponents fear the House proposal will come up again during the appropriations process. They said the definition of "political advocacy" in the measure is too broad and could include actions such as "Letters to the Editor."

Members of Congress against the original measure and leaders of organizations, such as the YMCA, American Lung Association and Mothers Against Drunk Driving, held a press conference Nov. 7 calling the measure unnecessary and burdensome. They said it would "silence America" and hurt the most vulnerable citizens.

"It is critical that charitable organizations be able to speak freely about matters of public policy on behalf of the people they serve, many of whom are this nation's most vulnerable citizens," said Jennifer L. Howse, president of the March of Dimes Birth Defects Foundation.

The Christian Coalition and Family Research Council supported the Istook measure. The Baptist Joint Committee joined hundreds of charities who said the measure would have "a chilling impact on the democratic process as well as the rights of individuals and organizations to participate in public policy debates."

Opponents of the measure also said groups are already prohibited from using the federal funds for lobbying and that no evidence has shown the present law has been broken.

The charities claim the language of the provision would require burdensome paperwork showing what they do with private funds to prove their compliance.

Proponents said the measure only stops taxpayers from footing the lobbying bill and ensures money given to the charities will go to the needs of the community.

Spokesman for Rep. Robert Ehrlich, R-Md., said, "If they feel that it is more important to put political advocacy in front of real service to real communities and real people, they need to rethink their status as a federal grantee."

The charities insisted it would undermine their ability to help the homeless, children and the poor at a time when vulnerable citizens' needs have never been greater. Δ

Supreme Court to review indecent programming ban

The U.S. Supreme Court will decide the validity of a 1992 federal law that permits cable television operators to ban "indecent" programming on certain channels.

The high court announced Nov. 13 that it will review a federal appeals court ruling that upheld the statute, which authorizes cable operators to reject indecent programming on leased access channels as well as on channels set aside for public, educational and governmental use. Δ

Liberty & Law

Religious Equality Amendment (H.J. Res. 121)

Preamble:

"Proposing an amendment to the Constitution of the United States in order to secure the unalienable right of the people to acknowledge, worship, and serve their Creator, according to the dictates of conscience."

Text:

"Neither the United States nor any state shall deny benefits to or otherwise discriminate against any private person or group on account of religious expression, belief or identity; nor shall the prohibition on laws respecting an establishment of religion be construed to require such discrimination. Δ

(Introduced by Rep. Henry Hyde, R-Ill., on November 15, 1995.)

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VIEW OF THE WALL

Good rhetoric, bad idea



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One year after Speaker Gingrich called for a constitutional amendment on religion, Rep. Hyde introduced one in Congress.

The substance and politics of the amendment movement have changed over the past year.

The simplistic idea of reintroducing school-sponsored prayer has become a more sophisticated one, imposing "religious equality." The narrow focus on religious speech in public schools has been broadened to encompass religious speech in all public places and public funding for religion.

Politically, the amendment drive has splintered. A year ago, Rep. Istook was to lead the fight. Recently, however, due to disagreement over legislative language, amendment proponents divided into two camps: one led by Hyde and one by Istook. Istook announced Nov. 21 that he plans to introduce his own amendment (see News Extra on Page 4).

What has not changed over the past year is that an amendment is fundamentally a bad idea. Although Hyde's amendment cleverly cloaks the danger to religious liberty in an appealing package, it threatens the core of our religious freedom.

Hyde's amendment would allow what current law proscribes — government endorsement of religious messages and promotion of religious activities. For example, it would require government to fund religion in the same way it funds secular activities. Thus, if government funds the educational and charitable activities of secular organizations, it also must fund the sacred missions of churches and other pervasively sectarian groups.

Ultimately, this would permit the government to coerce, control and

compromise religion. When the state advances religion in this way, it violates the consciences of taxpayers who rightfully expect the government to remain neutral toward religion. Because the government must sometimes monitor its grants, it also would create entangling church-state alliances.

Moreover, because the government simply cannot fund the multitude of religious groups in the nation, the amendment would trigger unhealthy competition among faith groups and force government to make divisive decisions about which groups will get public money. All too often, only majority religions would "reap the spoils." The founders wisely took this role away from the government; we should not attempt to restore it.

With respect to religious speech, the amendment states that it protects only the speech of "private person[s] or group[s]," making it sound appealing and unambiguous on first reading. Indeed, the Constitution already protects purely private religious speech and activities. But, as courts have recognized, the line between public and private is far from clear. Sometimes religious speech by "private" speakers is so couched in the context of state sponsorship it leaves the impression that government is endorsing religion.

For example, is a public school student who delivers a hell-fire sermon to a captive classroom audience a "private person" whose speech must not be "discriminated" against under the amendment? Whereas the First Amendment currently has the flexibility and sensitivity to respond to these distinctions, the new amendment would attempt to bluntly cut across them. Thus, Hyde's "religious equality" amendment could violate a touchstone of church-state relations: no American should be made to feel a religious outsider by government.

In a constitutional democracy, amending the Constitution, particularly our first freedom, is the most serious of undertakings. The key question: Is there reason to change our national course after 200 years in which religion has flourished? Of course not. Δ

Istook proposes school prayer amendment

Rep. Henry Hyde's proposed Religious Equality Amendment won't be the only one competing for lawmakers' attention when Congress returns from its Thanksgiving break. Rep. Ernest Istook Jr., R-Okla., announced Nov. 21 that he plans to introduce his version of a "Religious Liberties Amendment" when the House reconvenes. His proposal would restore "student-sponsored prayer in public schools," he said.

Istook's proposal reads:

To secure the people's right to acknowledge God according to the dictates of conscience: Nothing in this Constitution shall prohibit acknowledgments of religious heritage, beliefs, or traditions of the people or prohibit student-sponsored prayer in public schools. Neither the United States nor any State shall compose any official prayer or compel joining in prayer, or discriminate

against religious expression or belief.

Istook told reporters that he agrees with the intent of the Hyde amendment but that it is "inadequate." Hyde's proposal, Istook explained, would prevent discrimination based on religious belief or practice, but does not adequately address the foremost issue — voluntary, student-initiated prayer.

The two proposals represent different approaches to the problem, Istook said, adding that he thinks Hyde, chairman of the House Judiciary Committee, will give both proposals a fair shot.

Rep. Gerald Solomon, R-N.Y., chairman of the House Rules Committee that decides the procedure by which proposals are debated on the floor, said he would not mind seeing both proposals receive equal consideration and be sent to the American people for approval. A constitutional amendment requires a two-thirds majority in both chambers and must be ratified by three-

fourths of the state legislatures.

Responding to questions about how student prayer would be defined, Istook said that his proposal would eliminate constitutional barriers to student prayer but would not mandate compulsory prayer. He said that the proposal would not require student prayer over the intercom but the measure would leave decisions like that up to the local school boards.

Another questioner asked Istook if he thought that in the light of history, a proposal to alter the First Amendment could engender violence.

"That is a silly question. To suggest that a person in the name of religion" would resort to violence is silly, said Istook.

The House and Senate Judiciary committees have held hearings on the overarching issue of religious liberty, but more hearings are anticipated.

At the time of the press conference, the proposal had 92 co-sponsors. Δ

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