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REPORT FROM THE CAPITAL

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NewsMakers

◆ Malissa Bennett and Philip Kingston have begun internships at the Baptist Joint Committee. Both will provide administrative and developmental support for the agency and will work with the general counsel's office on legal and legislative matters. Bennett is a 1995 graduate of Samford University in Birmingham, Ala. Kingston is a 1994 graduate of Trinity University in San Antonio, Texas.

◆ Three BJC member bodies recently joined two other African-American groups in forming a corporation to provide black Americans greater access to home mortgage loans and insurance. Revelation Corp. of America founders included the National Baptist Convention of America, the National Baptist Convention U.S.A. and the Progressive National Baptist Convention.

◆ U.S. Ambassador to the Vatican Raymond Flynn has drawn fire for writing business and religious leaders last spring that congressional efforts to cut U.S. anti-poverty programs were "mean-spirited" and "immoral." Senate Foreign Relations panel Chairman Jesse Helms complained to Secretary of State Warren Christopher that Flynn's letter suggested that Democrats were more sensitive than Republicans to Catholic teachings on poverty and other social issues. Δ

Stage set for Hill battle over religion amendments

Senate and House committees will be the next arena for debate over proposals to change the Constitution's religious liberty guarantees.

Judiciary committee staffers on both sides of Capitol Hill said hearings likely will be held in February or March. Pending are a "Religious Liberties Amendment" introduced by Rep. Ernest J. Istook, R-Okla., and a "Religious Equality Amendment" introduced by Rep. Henry Hyde, R-Ill., and Sen. Orrin Hatch, R-Utah.

Istook's measure would authorize "student-sponsored prayer in public schools," while the Hyde-Hatch amendment would bar government from denying benefits to or otherwise discriminating against individuals and groups on the basis of religion.

Debate over the proposals has already begun among religious groups.

The National Association of Evangelicals supports the Hyde-Hatch proposal. Forest Montgomery, counsel for NAE, wrote Hyde last month saying Istook's proposal was too broad and secured the rights of the majority only.

Montgomery's letter said the Hyde amendment "would correct the court's misconstruction of the Establishment Clause, thus restoring the original understanding of that clause." Istook's proposal would change the Establishment Clause itself, he said.

Criticizing the Istook proposal, Mont-

gomery said, "The Lord never looked to Caesar to further his ministry." He expects the Hyde-Hatch language to emerge from the committees.

Montgomery's assessment is backed up by the level of support for the measure

on the House Constitution subcommittee. Five of the eight Republicans on the subcommittee favor Hyde's measure, a panel spokeswoman said.

J. Brent Walker, general counsel at the Baptist Joint

"When government pays the piper, it calls the tune."

— J. Brent Walker



Committee, countered that both the Istook and Hyde-Hatch proposals would damage, rather than strengthen, religious liberty. He said there would be "very little of the Establishment Clause left" if the Hyde-Hatch measure is approved. "An automatic trump would exist where the Hyde amendment would always supersede the Establishment Clause."

Walker said using government monies to support religious institutions is wrong because it would violate people's right to support or not to support a certain religion. It waters down religion and makes it hard for religion to speak out against the state. It would also foster competition among religious groups for limited government funds, he added.

"When government pays the piper, it calls the tune," Walker said, noting government funding of religion would come with strings attached.

Montgomery said a "limited" but appropriate number of strings would accompany government funding. Δ

1936-1996

Six Decades
of Securing
Religious Liberty



Hugo Black of Alabama, a distinguished Baptist, was elected to represent the Southern Baptist Convention on the Committee on Public Affairs in 1937, only a year after the committee's creation. His tenure, however, was cut short when President Franklin D. Roosevelt nominated him to the U.S. Supreme Court, where he served for 34 years. Black rendered his classic definition of the Establishment Clause in a 1947 landmark case, *Everson v. Board of Education*. Among his bold declarations in that opinion, he wrote, "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever they may adopt to teach or practice religion. ... In the words of Jefferson, the clause against establishment of religion by law was intended to erect a 'wall of separation between Church and State.'"

High court rejects claim by prisoner denied text

The U.S. Supreme Court refused Jan. 16 to hear a former soldier's claim that his 20-month sentence on cocaine-related charges should be reduced because he was denied use of a Wiccan religious text while he was jailed awaiting trial.

After trial by a military judge at Fort Bragg, N.C., Allen L. Phillips Jr. was discharged for bad conduct and sentenced to 20 months' confinement. On appeal to two military review courts, he argued that the denial of the Wiccan document violated his First Amendment right to free exercise of religion. Both appeals were rejected.

Phillips was awaiting trial in the Cumberland County (North Carolina) Jail when he was refused access to the Book of Shadows, sometimes referred to as the Wiccan bible. Testimony during Phillips' trial showed that a jailer denied access to the text because Wicca "wasn't a recognized religious practice in the state of North Carolina."

A military court described Wicca as "a pagan religion not unlike the ancient Druid faith, believing in the sacredness of nature." The court said prejudice against Wiccans exists "because of popular confusion between witchcraft (which is part of the Wiccan faith) and Satanism." ▽

Religious claim against condom policy rebuffed

The bid by a group of parents and students to halt a Massachusetts school district's policy of making condoms available to junior and senior high school students has been rebuffed by the U.S. Supreme Court.

Justices gave no reason for refusing Jan. 8 to review a ruling by the Supreme Judicial Court of Massachusetts that upheld the Falmouth school district's policy. The condom availability program was set up in 1992 to combat AIDS and other sexually transmitted diseases.

The Falmouth program made condoms available free of charge to junior and senior high school students who asked for them. In addition condom vending machines were installed in high school rest rooms.

The parents, whose challenge was advanced by Pat Robertson's American Center for Law and Justice, contended the

policy violated their rights to control the education and upbringing of their children, as well as their rights to free exercise of religion.

The Massachusetts court rejected both claims.

The court acknowledged that the Constitution protects the liberty interests of parents in raising their children as they see fit. But, because the Falmouth policy is voluntary, it does not unconstitutionally violate parental liberties, the court said. Parents remain free, the court noted, to instruct their children not to participate.

The court also said the parents failed to show that the condom policy "substantially burdened" their religious liberty.

While the Constitution protects the free exercise of religion, the court said, it does not require government to tailor public school programs to meet the individual religious preferences of parents. ▽

Benin designates voodoo as recognized religion

The West African nation of Benin has declared voodoo an officially accepted religion. President Nicephore Soglo's government said Jan. 9 that the formal recognition was aimed to "correct an injustice," according to The Associated Press.

The government declared Jan. 10 a national paid holiday to celebrate voodoo and Benin's other traditional faiths, saying they deserved the same recognition as Christian and Muslim events. About 60 percent of Benin residents follow voodoo, which originated in the region about 400 years ago. ▽

French government urged to form cult watchdog unit

Prompted by recent tragedies in the United States and Japan, a Parisian parliamentary commission has asked the French government to start a watchdog group on cults, Reuters reported.

"We in France do not feel threatened by a tragedy such as occurred in Waco, Texas, or an attack like that perpetrated by the Aum sect in the Tokyo subway last spring," the commission said. "But the seeds of such tragedies exist in our territory, and prevention is necessary." The panel said about 173 cult groups and an additional 800 smaller affiliated entities now operate in France. ▽

Editor's Notebook

Larry Chesser

Director of Communications



Where are they now?

They? Everyone who has worked at the Baptist Joint Committee!

In preparation for our 60-year celebration this fall, we are compiling a list of all former BJC staffers, interns and scholars-in-residence. If you know of any of these folks, or you are one, please give us a call, note, fax or e-mail to let us know of your whereabouts.

We plan to invite each of these people to our 60th anniversary conference this fall and then keep in touch more regularly. Maybe a periodic reunion would be in order.

In any case, we want to be able to stay in touch with and express appreciation for all those who have gone before us and on whose shoulders we stand every day. Let us hear from you, and don't forget to ...

Save these dates!

October 1996

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Predictions sometimes come true in unexpected ways. This happened with warnings sounded a dozen years ago by opponents of the Equal Access Act. Some feared that giving student religious groups "equal access" to public school meeting space would lead to religious coercion and divisiveness.

The Equal Access Act was approved by overwhelming majorities in Congress and became law in the summer of 1984. It was upheld in 1990 by the U.S. Supreme Court.

First introduced by U.S. Sen. Mark Hatfield, a Baptist and a Republican from Oregon, the measure was designed largely to ensure that secondary school students were not discriminated against based on religious or political speech.

The act is triggered when public secondary schools allow students to use classrooms before and after school for meetings not related to school curriculum. Schools that allow such meetings must treat all students groups equally. If a school allows a student chess club or a stamp-collecting club to meet, it cannot discriminate against a Bible club or the Young Republicans.

Because the act expressly protects religious speech, it was crafted in a way to avoid conflict with the First Amendment's requirement of church-state separation. No school-sponsored religious meetings are allowed under the act. Safeguarding this concern are provisions requiring the meetings to be student-sponsored and student-initiated. At student religious meetings, school personnel can be present only as monitors, not as participants.

Despite these safeguards and support from church-state separation groups such as the Baptist Joint Committee, some religious groups and lawmakers warned that the bill would lead to religious coercion, competition and strife in secondary schools. The bill could not guard against peer pressure from overzealous religious students, nor did it

preclude ministers from attending meetings, critics charged.

Rather than foster religious abuse, however, the act has clarified and reinforced the religious expression rights of public secondary schools students.

While the Equal Access Act did not produce the religious exploitation that some predicted, the friendly sounding idea of equal access has turned into something to be feared. In recent years, the notion of "equal access" has metamorphosed from protecting student religious speech and the right of religious groups to enjoy after-hours use of school facilities into something entirely different: equal access to tax dollars.

In the name of equal access, a 5-4 Supreme Court majority required for the first time direct government funding of a religious activity. The court agreed with a University of Virginia student group's claim that it should not be excluded from student activity fees to publish a Christian periodical.

Much more ominous, though, are so-called "religious equality" amendments pending in Congress. These measures would knock a large hole in the wall separating church and state and give churches and religious organizations "equal access" to tax dollars made available to other private, non-profit groups. Beyond its potential for coercion and strife, tax-funded religion dilutes and demeans religion.

It's sometime odd how predictions work out. Despite fears, the Equal Access Act was good legislation and has achieved good results. It is consistent with the First Amendment's twin commands that government neither support religion nor interfere with religious practice. But the concept that underlies the act is now being recast to peddle the notion of taxpayer-financed religion. Religion has flourished under the American arrangement of a free church in a free state. Any predictions about religion's fate if Caesar pays its bills? Δ

Baptist Joint Committee 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/churches.

REPORT FROM THE CAPITAL

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Guest View



**Norman
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Editor
CABBAGES and kings

The Supreme Court has wrongly ruled that religion will take its place along side all other interests, in this case, the interests of the students at the University of Virginia, and the distribution of student funds, provided by the school. The court ruled, to the jubilation of the meat-axe mentality of modern-day theocrats, that finally faith is allowed its place in the secular sun.

The court ruled 5-4, you will remember, that the University of Virginia (ironically old Tom Jefferson's school) had to fund a Christian periodical if it funded the publication's secular counterparts. Pat Robertson's covey of lawyers are gloating on TV and elsewhere about their victory to bring Christ back into the market place, as if the market place was theirs to control, or as if there were not already the freedom to speak in the market place.

To suggest that religious faith is presently outlawed is either the sheerest ignorance, or hypocrisy covering a power grab. This is a bare-faced grab for your tax dollars and mine, and what's perhaps much worse, the dollars of unbelievers. It is hard to know what Jesus would do since he operated in a theocracy of sorts — the rule of religion in all matters. Whether democracy is an improvement is beside the point. We have a democracy and in modern history there doesn't seem to be a better system. If we accept that assumption, I doubt if Jesus would suddenly use coercion to make his point when he didn't in his

own religiously dominated time.

Religion is not just another activity, like the stamp club, the chess club, the Pom Pom, the Barbell Buccaneers or the student newspaper. Religion has to do with the most intimate part of the human makeup,

unlike the pep squad and the contra dancers. Religion is different and people like Pat Robertson and Jerry Falwell should know that. But they are so sure of their ground, more sure than they have any theological right to be, that they assume the right to public funds, ironically thereby lowering themselves to the level of the school band.

Baptist and other free church people persuaded the writers of the Constitution that government had no right messing with religion. That is not the same thing as religion having no right to hammer at government. That freedom never has been denied to religion. Government is vastly inferior to religion, and thus religion should never suggest by deed or sermon that we have won a victory because we have lowered ourselves to convince the government that we need or want its tax dollars.

The real anxiety that beset our forefathers, and which is being trampled by the Pats and Jerrys, is that once tax money starts changing hands between church and government, there will be more than that changing hands. Δ

Norman de Puy is a former pastor and director of communications for American Baptist Churches in the U.S.A.

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