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REPORT FROM THE CAPITAL

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NewsMakers

◆ Reps. J.C. Watts, R-Okla., and James M. Talent, R-Mo., plan to introduce legislation that would provide tax incentives, private and parochial school tuition payments and vouchers for "faith-based" drug programs in low-income communities.

◆ Outdoor evangelist Ron Rohman won a victory in his fight against a Portland, Ore., ordinance restricting his right to share the gospel in a downtown public park. A federal district court ordered the city to stop enforcing a prohibition against talking to users of Pioneer Courthouse Square who are more than 10 feet away.

◆ John Howard, candidate for prime minister of Australia, has asked that the name of Pope John Paul II be kept out of Australian politics. Howard's request came after a group of Protestant and Roman Catholic clergy released a statement quoting the pope's views — which contrast with Howard's — on labor-management issues.

◆ Anthony Moore, pastor of the Carolina Missionary Baptist Church, joined D.C. parents, clergy and home rule activists across the street from the U.S. Capitol to oppose public money for private and parochial schools. Moore said if government makes academic and student acceptance decisions, there will no longer be separation of church and state. Δ

Bid to direct tax dollars to private schools hits snag

Senate opponents of vouchers for private and parochial schools twice turned back efforts to advance a District of Columbia spending measure that contained \$5 million in voucher funds.

A Feb. 27 vote fell six votes shy of the 60 votes needed to cut off debate on the \$5 billion funding bill for D.C. A second vote two days later fell eight votes short, 52-42, leaving in doubt both the voucher plan and funding for the financially strapped D.C. government.

D.C.'s chief financial officer has said the district government is on the verge of running out of money and must get an appropriations bill passed immediately.

Another vote to end debate was scheduled March 5. A Senate spokesman said supporters hope mounting pressure to approve D.C.'s funding will gain additional votes but admitted it would be an "uphill battle."

He said the House of Representatives does not want to discuss a funding bill for D.C. that does not provide vouchers.

Opponents said this would be the first federally funded private school voucher program in the nation's history.

Supporters of the voucher provision said public schools were failing to educate students and that the proposal would give children from low-income families the same educational opportunities afforded to children from higher-income

families.

Sen. Joseph I. Lieberman, D-Conn., said the public schools in the nation's capital "are not performing their basic mission of educating our children. And so we have to give some of the kids an opportunity to seek a better way."

The government's duty to private education is not to finance it but to "leave it alone," said Sen. Ernest F. Hollings, D-S.C.

"I don't want federal strings attached to private and religious schools. We've got to preserve the

freedom and independence of these schools," he said. "What nettles this particular senator is why in the Lord's world we are not financing public education."

Senate opponents said vouchers would allow private schools to take the best students from the public schools.

"This voucher proposal will fund the few at the expense of the many. It gives scarce federal dollars to the schools that can exclude children," said Sen. Edward M. Kennedy, D-Mass.

A Baptist church-state attorney said that tax dollars should not be used to finance the teaching of religion.

"With public money comes invasive governmental regulation," said Baptist Joint Committee General Counsel J. Brent Walker. "I don't understand why those who complain the most about the burdensome public education bureaucracy want to subject parochial schools to that same fate." Δ



"I don't want federal strings attached to private and religious schools."

— Sen. Ernest F. Hollings

1936-1996

Six Decades
of Securing
Religious Liberty



During the 81st Congress, Joseph M. Dawson and the Joint Conference Committee (antecedent of the Baptist Joint Committee) fiercely opposed efforts to divide federal education dollars between public and parochial schools. During its Feb. 8, 1949, meeting, the Joint Committee urged Congress "to defeat the attempt of any church group to secure public funds for parochial schools." Dawson testified before a House education panel in support of a proposal by Rep. Graham A. Barden of North Carolina to use federal funds only for public schools. Dawson told the panel his organization supported "the general principle of Federal Aid to Education," believing that "adequate universal education is imperative in a democracy." The bill was vigorously opposed by Catholics, who favored a competing measure that would have provided federal aid to parochial schools. In the end, efforts to secure parochial aid were defeated. Δ

High court rejects dispute over Ten Commandments

The nation's highest court refused Feb. 20 to hear a challenge to a privately erected Ten Commandments display on the Colorado Capitol grounds in Denver.

Left standing was a Colorado Supreme Court ruling that the engraved monument, which included an American flag and eagle and Jewish symbols, did not violate the federal or state constitutions.

Colorado's top court said the monument was not erected to endorse religion but rather to serve the secular purpose of recognizing a "historical, jurisprudential cornerstone of American legal significance."

Bill would clarify lobbying, campaigning by churches

Churches and certain other religious groups could spend up to 20 percent of annual revenues on lobbying, including as much as 5 percent on political campaigns under a bill introduced Jan. 31 in the House of Representatives.

Rep. Philip M. Crane, R-Ill., sponsor of the bill, said its purpose is to give churches and the Internal Revenue Service a "bright line test" for how much money churches can devote to "grass roots lobbying." The bill would not apply to secular non-profit groups.

Current tax law bars charities, including churches and most religious organizations, from spending more than a "substantial part" of income for lobbying. It also bars those organizations from supporting or opposing political candidates.

"We would have reservations about the seeming invitation for churches to get involved in politics on a partisan basis," said Forest Montgomery, counsel for the National Association of Evangelicals.

Crane said that church involvement in the political process was not something the nation's founders would frown upon.

J. Brent Walker, general counsel for the Baptist Joint Committee, said he is "attracted" to the bright line on lobbying activity, but is "dubious" about the 5 percent electioneering proposal.

"It's dumb for churches to get involved in political campaigns. Nothing I know of will split a church faster," he said. "Plus it's unfair to the extent it allows religious groups to become involved, but continues to bar secular non-profits. Why should

Jimmy Swaggert be able to endorse Pat Robertson but the Red Cross not be allowed to back Bob Dole?"

Mission leaders concerned about loophole in CIA rule

A government policy that prohibits the use of overseas religious workers as Central Intelligence Agency informants once again is drawing the attention of U.S. religious groups.

The CIA policy has been in place since 1976. It also bars the U.S. spy agency from using journalists in its covert operations.

CIA Director John Deutch told a Senate panel that journalists are not used in covert operations unless the agency's director or deputy director deems the situation of "tremendous importance" to the security of the United States.

A CIA spokesman told Baptist News Service that the same loophole — a waiver by the director or deputy director — exists in the case of religious workers.

The agency's "policy is that we do not use members of the clergy," the spokesman said. But, as with every federal agency, the agency head can waive the internal regulation, he added.

It's a "terrible policy," said Keith Parks, global missions coordinator of the Cooperative Baptist Fellowship. Parks and other mission leaders urged Congress in 1980 to bar the use of missionaries by intelligence agencies.

Because of the loophole possibility, Parks said, the prohibition against the use of missionaries "needs to be stronger than an in-house directive."

"You always have the uneasy feeling that ... justifications can be found for doing these sort of covert things that jeopardize the cause of missions worldwide," said Bill O'Brien, director of the Global Center at Samford University.

"I can think of nothing that would more significantly compromise the gospel," said John Sundquist, executive director of International Ministries of American Baptist Churches U.S.A.

Baptist missionaries "view themselves and are considered by others to be agents of Jesus Christ," Baptist Joint Committee Executive Director James M. Dunn said in a letter to Deutch. "For them to be viewed as agents of the United States government not only jeopardizes their work but has the potential of putting them in dangerous situations." Δ

Church-State Intersection

J. Brent Walker

General Counsel



I can think of few things more desirable than for people to read and obey the Ten Commandments. I can think of little worse than for government to

tell its citizens to do so.

But that's what the Tennessee Senate has done. By a lopsided vote (27-1), it passed a measure urging "every citizen of Tennessee to observe the Ten Commandments, teach them to their children, and display them in their homes, businesses, schools and places of worship."

The resolution's primary sponsor and the Senate Majority Leader, Ben Atchley, said he was motivated by a desire to improve morality and values. The only senator to vote against the resolution, Steve Cohen from Memphis, criticized it as unwise and unconstitutional.

The law is clearly unconstitutional. The U.S. Supreme Court has ruled on a similar issue in *Stone v. Graham* (1980). In that dispute, the state of Kentucky had adopted a statute that required the posting of the Ten Commandments in every public school classroom. The court struck down the law as unconstitutional: "Posting of religious texts on the wall serves no such educational function. If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the school children to read, meditate upon, perhaps to venerate and obey, the Commandments. However desirable this might be as a matter of private devotion, it is not a permissible state objective under the Establishment Clause."

Yes, the Tennessee situation is different. It only *suggests*; it does not require. But it's no less unconstitutional. Tennessee is clearly endorsing a religious message — indeed, a sacred text. Actual coercion is not required to violate the First Amendment.

The law is based on bad history. The resolution says that our nation's

founders, "respected the place that the Ten Commandments occupy in the history of law and government." I'm sure most, if not all, of the founders believed fervently in the Commandments and that following them would be good for the country. But, they very carefully crafted a First Amendment requiring the government to be neutral toward religion. Urging citizens to display and teach holy writ is a far cry from neutrality. As Sen. Cohen said in support of his lonely vote: "The Ten Commandments were given to us by God. God does not need the Tennessee General Assembly's help in disseminating them."

The law is also silly. How is it going to be enforced? And whose Ten Commandments are going to be posted? The ones from Exodus 20, Deuteronomy 5, or the listing in the Hebrew Bible? And what about the good citizens of Tennessee who are Buddhists, Hindus, agnostics or even atheists. Why should they be urged to teach their children to have no other god before Yahweh or to remember the Sabbath to keep it holy?

If the Tennessee legislators want to promote virtuous behavior, they could encourage more character education in the public schools. There is no reason why the kids cannot be taught that it's wrong to kill, wrong to steal, or wrong to lie. They could be instructed that it's good to be faithful to a spouse and right to obey parents. All of these teachings flow from the Commandments but could be taught in a way that does not cite religious warrant for their validity. Not only would such teaching probably be more effective in bringing about the desired conduct, it also would avoid running roughshod over the Constitution.

Sen. Cohen is right. Were the citizens of Tennessee to take seriously the legislators' command to keep the Sabbath, who will attend the Sunday football games if the Oilers move to Nashville? Only seventh-day worshippers, I guess. Δ

Quoting

"We strongly oppose the 'scholarship' provision in the D.C. Education Reform Proposal. These 'scholarships' will funnel public dollars to parochial and other religious schools, thereby damaging their religious autonomy and violating the First Amendment of the U.S. Constitution.

"Public funding will inevitably lead to regulation of religious schools, harmfully entangling the government in religious matters. Currently, religious schools are free from government intrusion and may enroll and hire only those of their own religion. This independence is important given that the mission of a religious school is to promote its faith in its pupils. The 'scholarships' will threaten the schools' ability to operate in a fully sectarian manner."

VOUCHER DEBATE

Excerpts from a letter from District of Columbia clergy cited by Sen. John Chafee, R-R.I., during the Feb. 27 Senate debate on a D.C. voucher proposal. Signers include Charles Worthy, pastor of Pennsylvania Avenue Baptist Church, and Kenneth Burke, pastor of East Washington Heights Baptist Church.

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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Letter from Washington

As we prepare to make our way back to Tennessee, we find ourselves reflecting on some of the major impressions of our experience as "scholars-in-residence."

First of all, we would reaffirm our feeling that this organization continues to represent extremely well "Baptists at their best." The staff members are well-focused, committed and gifted. They obviously have earned the admiration not only of the many other groups in Washington concerned about freedom of conscience and religious liberty but are clearly respected and carefully heard by the political shakers and movers of this government.

That raises a second observation. They have far more to do than time and personnel will allow since "fund-raising" is now a more necessary part of the agency. It is our feeling that all of us who appreciate the crucial witness of these folks need to increasingly treat this ministry as we do our missionaries overseas. That is, we should so thoroughly support them with both our dollars and prayers that they can truly feel liberated to do what they are called to do — and do so well.

Let us therefore urge more of you to make a solid, steady commitment to undergird this ministry in our nation's capital. It deals as no other group can with all the implications of the principle



Moncrief and Diane Jordan

of religious liberty, which is indeed not only an inalienable right but that which is absolutely basic and indispensable to the well being of all societies. Surely by now we have learned something from our own early history, Bosnia, Northern Ireland, the Middle East, the Crusades and the

Inquisition.

We hope many of you will make your plans to attend the 60th Anniversary celebration here in Washington on October 6-8 and join us in finding new ways to free these faithful leaders to proclaim liberty. Let us gather to thank God for the wonderful fruits of our heritage even as we recommit ourselves to the challenge of the future.

There is a tablet near our office honoring Rufus Weaver, one of the pioneers of this work. The closing words are: "He translated love into life." These more recent leaders continue to do that as they transpose the implications of "soul freedom" into sound public policy. Δ

— Monty & Diane Jordan

Editor's Note: Moncrief "Monty" and Diane Jordan served during the fall and winter as scholars-in-residence at the Baptist Joint Committee. Monty retired in August as pastor of First Baptist Church in Jefferson City, Tenn. Monty and Diane taught part-time at Carson-Newman College in Jefferson City.

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