



Volume 51, No. 6

March 19, 1996

# REPORT FROM THE CAPITAL

## NewsMakers

◆ Hussein Qamber Ali, a Kuwaiti convert to Christianity, went on trial March 6 for apostasy — publicly abandoning the Muslim faith. If convicted, he could lose the right to marry a Muslim, custody of Muslim children and inheritance rights.

◆ Roman Catholic Cardinal Roger Mahony of Los Angeles has warned his flock to keep at arm's length from the Catholic Alliance, a group founded by the Christian Coalition. Mahony said the alliance "sounds as if it is Catholic, and a lot of people I know are confused and think somehow the church position supports it."

◆ E. Edward Jones, president of the National Baptist Convention of America, and Henry J. Lyons, president of the National Baptist Convention USA, have formed an alliance with Freddie Mac, a corporation that increases the supply of money available to mortgage lenders. Freddie Mac will work with the 12.7-million combined membership of the Baptist groups to help as many as 12,000 families become homeowners by the end of 1997.

◆ Vatican official Angelo Sodano said the Vatican will not take sides in Italy's national elections in April. For years, the Vatican has been aligned with Italy's governing Christian Democrat party, which splintered in the early 1990s. Δ

## Religion amendments' merits debated at lawmaker forum

Two church-state attorneys debated the merits of amending the Constitution's religious liberty protections during a bipartisan congressional forum March 13.

Elliot Minberg, legal director of People For the American Way, and Steve McFarland, general counsel for the Christian Legal Society's Center for Law and Religious Freedom, addressed the Constitutional Forum and answered questions from members of Congress. The forum is headed by Reps. David Skaggs, D-Colo., and James Leach, R-Iowa.

Minberg and McFarland both voiced opposition to a "religious liberties" amendment introduced by Rep. Ernest Istook, R-Okla., which declares that nothing in the Constitution "shall prohibit acknowledgments of the religious heritage, beliefs or traditions of the people, or prohibit student-sponsored prayer in public schools."

But they disagreed on the merits of a "religious equality" amendment offered by Rep. Henry Hyde, R-Ill., and Sen. Orrin Hatch, R-Utah. That measure would bar government from denying benefits to or discriminating against individuals or groups "on account of religious expression, belief or identity."

McFarland said an amendment is needed to fix judicial "misinterpretations" of the First Amendment in religious liberty cases. Minberg said an amendment is not needed and that it would be harmful to religion.

"Voluntary prayer has not been taken out of the schools. As long as there are math tests, there will be prayers,"

Minberg said. He said the Hyde-Hatch measure would subsidize religious proselytizing and that government would then have its "heavy hand" involved.

McFarland said it would be wrong to exclude religious schools from a government program that provided vouchers to low-income families.

"The government should not be in the business of disqualifying people" based on the government's view of how religious they are, he said.

Participants discussed a recently released Congressional Research Service analysis that described possible effects

of the proposed amendments.

The CRS analysis stated that under the Hyde-Hatch measure, a religious institution that "administered government-funded social services programs would seem not to be constitutionally precluded from engaging in religious activities or religious proselytizing in the funded programs." It also said a voucher program for religious schools would be considered constitutional.

Although the measure would alter substantially the present legal standards for public assistance to religious institutions, the CRS report stated, it would appear to "have only a minor effect on the legal standards governing religious activities in the public schools and religious speech in the public square."

In contrast, the CRS analysis stated that Istook's proposal would have its greatest impact on religious expression in the public square and would allow "prayer in the public schools, including, perhaps, government-sponsored devotional exercises." Δ



## 1936-1996

Six Decades  
of Securing  
Religious Liberty



In the summer of 1950, the Joint Conference Committee on Public Relations sought and received approval from member denominations to change the organization's name to the Baptist Joint Committee on Public Affairs. The agency's June 1950 newsletter reported that the four member bodies at that time — American Baptist Convention, National Baptist Convention of America, National Baptist Convention, U.S.A., and Southern Baptist Convention — had a combined membership exceeding 16 million. The committee's function, the newsletter reported, "is to make known the common mind of Baptists on public affairs, insofar as agreed upon, notably their contention for complete separation of church and state, with full religious liberty for all individuals and religious groups." Δ

## Tennessee evolution bill stalled in committee

The Tennessee Senate has voted to send back to committee a proposed law that, if passed, would require the firing of teachers who present evolution as fact.

By a 19-13 vote March 4, senators returned the proposal to committee for study of several proposed amendments, according to Religion News Service.

Tennessee is the site of the famed Scopes trial 71 years ago in which teacher John Scopes was tried and convicted for teaching evolution.

## Fired worker wins dispute over religious activities

An Iowa county has failed to convince the U.S. Supreme Court to uphold its 1990 firing of a departmental supervisor dismissed in part because of his on-the-job religious activities.

Without comment, the high court refused to review an appeals court decision siding with Isaiah Brown in his lawsuit against Polk County officials.

Brown, the county's director of data processing services, was ordered to quit witnessing and proselytizing on the job and to remove religious articles from his office. He later was reprimanded for a lack of judgment regarding the budget and eventually fired.

Brown charged that the county's actions violated a federal statutory ban against religious discrimination in the work place, as well as his First Amendment right to freely exercise his religion.

A federal district court and a three-judge panel of the 8th U.S. Circuit Court of Appeals ruled against Brown, a self-described "born again Christian." But the full appeals court partially reversed those decisions, finding that Brown was fired in part for religious reasons and that the county had unconstitutionally violated his religious freedom.

Federal law requires employers to accommodate the religious practices of workers unless to do so would result in an "undue hardship" on the employer.

Brown's directing a secretary to type his Bible study notes and use of his office for before-work prayer meetings were not protected by the civil rights law, the appeals court said.

But the court said the county failed to show it would encounter a hardship by

accommodating voluntary prayers during office meetings or a biblical reference made by Brown during only one meeting.

While county officials could legitimately prohibit intimidating or harassing religious activity, the appeals court said, the broad order requiring Brown to cease all activities that could be viewed as "religious proselytizing, witnessing, or counseling" exhibited a "hostility to religion that our Constitution simply prohibits." Δ

## Justices reject complaint against AIDS program

The nation's highest court has refused to hear arguments that a sexually explicit AIDS awareness presentation violated the parental and religious liberty rights of Massachusetts high school students and their parents.

Without comment, the U.S. Supreme Court refused March 4 to review lower court actions dismissing the complaint.

Students Jason Mesiti and Shannon Silva attended a mandatory assembly at Chelmsford High School in 1992 that featured a 90-minute presentation by Suzi Landolphi, owner of Hot, Sexy and Safer Productions Inc.

The students and their parents filed suit alleging that the school program violated their privacy rights, due process rights and rights to free exercise of religion in connection with parental rights to direct the upbringing of their children.

The lawsuit also charged that the program violated federal civil right laws by creating a sexually hostile education environment.

The lawsuit alleged that the program featured sexually explicit monologues and sexually suggestive skits and that Landolphi, among other things, "advocated and approved oral sex, masturbation, homosexual activity and condom use during promiscuous premarital sex."

In affirming a lower court's dismissal of the complaint, the 1st U.S. Circuit Court of Appeals said that while failing to provide opt-out procedures may have "displayed a certain callousness toward the sensibilities of minors," the school's actions did not rise to the level of "conscience shocking" behavior.

The right of parents to direct the upbringing of their children does not encompass dictating curriculum at a public school attended by their children, the appeals court said. Δ

# Reflections

**James M. Dunn**

Executive Director



**S**chool choice is the right name for a wrongheaded re-form of public education. It is the private schools with the choice ... they decide whether to accept a child or not.

I cannot vouch for vouchers. Such schemes are at least:

**UNPREDICTABLE** — running the risk of funding even Nazi, Ku Klux Klan ventures or worse;

**UNFAIR** — giving social sanction to schools that can reject the discipline problem, the deficient learner, the disabled, while public schools serve all children;

**UNCONSTITUTIONAL** — violating the no establishment clause since the courts have made it clear that it is illegal to do something indirectly that is directly forbidden, like laundering funds for faith-based schools by filtering them through parents;

**UNWORTHY** — blessing the secession of the successful from their social responsibility by providing welfare for the well-off (Nothing could be much more regressive.);

**UNTHRIFTY** — starting a new federal spending program with a multi-billion dollar expenditure, highlighting the hypocrisy of precisely the politicians who are so concerned over the deficit;

**UNDEMOCRATIC** — exempting elitist schools from public control, beyond the reach of the voter, unaccountable to the local electorate;

**UNJUST** — devising a discriminatory de facto windfall for the larger in-place parochial system, which belongs to one church;

**UNETHICAL** — destroying the public school system by siphoning off money, skimming strong students, draining parent power from public education, leaving two separate and unequal systems: private and pauper;

**UNPRINCIPLED** — subscribing to an odd principle of equity: "Since I've decided to send my child to a special school, you — all taxpayers — must sub-

sidize me.";

**UNCALLED-FOR** — ignoring voters who have turned down 16 of 17 tuition tax credit or voucher plans in state referenda and the 60 percent to 30 percent rejection of vouchers by the American people (Peter D. Hart survey, 1995);

**UNECONOMICAL** — inventing a new escalatory entitlement while slashing federal aid to public education from a high of 9 percent of the budget in 1949 to a proposed 1.4 percent next year;

**UNSUCCESSFUL** — playing like the Wisconsin experiment is a winner, though it has failed economically, educationally and politically;

**UNSYMPATHETIC TO FREEDOM** — inviting the inevitable government entanglement with regulations and guidelines that always follow public monies (He who pays the fiddler still calls the tune.);

**UNWORKABLE** — recognizing that there has not yet been a plan proposed that would cover tuition and transportation for the poorest children;

**UNTRUTHFUL** — shifting money from one pocket to another to claim that public funds would not benefit the sponsoring church or advance sectarian purposes; tad shady, eh?;

**UNSUSTAINABLE** — raising false hopes among poor people who will never with any such scheme be able to send their children to exclusive schools;

**UN-AMERICAN** — establishing a new sort of taxation without representation on the controlling boards of publicly funded private schools;

**UNFAITHFUL** — failing the biblical call for believers to be salt and light in the world, witnesses in the public square;

**UN-CHRISTIAN** — accusing those of us who don't want our tax dollars to bankroll private causes of discriminating against Christians. Shame!

Other than all that, vouchers might be O.K. Δ

## Quoting

"It was my kids' decision to go ahead (with the suit). I think

I'm teaching my kids how to stand up.

... I figured there were going to be some threats, but I had no idea that it was going to go this far. My kids have learned the hard way of what being the minority means."

PROFILE in  
COURAGE

*Lisa Herdahl*

*March 4, 1994,*

*at a news conference before the opening of the trial in her lawsuit challenging government-sponsored prayer and other religious practices in the North Pontotoc School District in Mississippi.*

*Herdahl said she and her children have been subjected to death threats and ongoing harassment since she filed the suit more than two years ago.*

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- ◆ American Baptist Churches in the U.S.A.
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- ◆ Cooperative Baptist Fellowship
- ◆ National Baptist Convention of America
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- ◆ 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

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REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee. Single subscriptions, \$10 per year. Bulk subscriptions available.



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# Easter in public schools?

**A**t the local elementary school, Christian parents are struggling to get Easter into pre-spring celebrations. Where kids' parties and programs in the past have celebrated daffodils and April showers, parents are urging the school to include depictions of the Crucifixion and Resurrection of Jesus. Parents suggest that coloring-book worksheets include scenes of Passover, the Easter Bunny and the empty tomb, and that children sing "Were You There When They Crucified My Lord?" along with "Here Comes Peter Cottontail."

What's wrong with this story?

If you find that reading it gave you an uneasy feeling, you'll be relieved to know it's pure fiction. No parents are trying to distribute dot-to-dot puzzles of the Crucifixion in public schools — at least, not to my knowledge.

But the unease we feel should prompt some re-thinking. In the Christmas season recently past, many Christians were active in attempts to get elements of Christmas observance into public schools.

Why don't we feel comfortable treating Easter the same way?

Christmas outgrew its sister feasts because of its potential for exploitation. It is a gift-sales bonanza the likes of which Easter can never be.

This was demonstrated a few years back in a graphic object-lesson. Parents at one elementary school, pressing for inclusion of religious themes at Christmas, donated an extensive mural. The principal approved it except for one scene: the panel showing the Nativity. This panel was replaced with an image



*Frederica  
Mathewes-Green*

of a shopping bag overflowing with gifts. As a metaphor for the trashing of Christmas, this cannot be excelled.

The scene showing a menorah was approved, however. The principal decided it was not a religious symbol. I don't know which faith was more insulted.

The unease we feel about bringing Easter into the schools stems from a sense that this holy feast would be cheapened. It would have to be simplified and diminished in order to be palatable. Whatever children learned in this way would be a distortion of the truth, and the half-truths absorbed at a tender age do even more damage than silence.

We'd rather have that education done by believers who can present it with respect. We love our holy things too much to see them mishandled.

Why don't we see that Christmas deserves the same treatment? The best we can win in secular schools is grudging tolerance, and tolerance can be a repressive force that neutralizes our dissent and lulls us into complacency.

The narrow issue is whether Christians should be trying to buy a place in secular schools for a watered-down version of Christmas. The larger issue is whether we should blend into that secular society, or stand against it as a sign.

It's something Christmas-in-the-schools activists should think about before going to argue with the school board.

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