

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ James Heflin, a professor at Southwestern Baptist Theological Seminary, has been elected general secretary of the European Baptist Convention. Heflin, a professor at the seminary since 1985, will be the first non-missionary to serve in the post. He succeeds John Merritt, who is retiring after 24 years.

◆ David Coffey, general secretary of the Baptist Union of Great Britain, has criticized the British government for suggesting churches should support the lottery as a means of maintaining old church buildings. Coffey said Baptists think "it is profoundly wrong to fund these (charitable) projects from the fruits of the lottery."

◆ President Clinton, addressing the National Governors Association's education summit March 27, said lawsuits over religious issues in the schools have almost ended. He attributed the achievement to guidelines distributed by the administration "showing that our schools don't have to be religion-free zones."

◆ Billy Graham and his wife, Ruth, are scheduled to receive a congressional gold medal on May 2 at a joint session of Congress. Fewer than 100 such awards have been given. Past medal recipients include George Washington, Thomas Edison and Winston Churchill. Δ

Churches warned against political campaigning

Churches tempted to add political campaigning to their list of ministries had better think twice.

That's because such activity is unlawful as long as a church wants to maintain its tax-exempt status.

While federal tax laws permit churches and other non-profit entities to engage in a limited amount of lobbying on legislative matters, supporting or opposing candidates for public office is strictly forbidden.

"Most American churches responsibly comply with IRS rules barring partisan politicking," said Barry Lynn, executive director of Americans United for Separation of Church and State. "But those who don't should give up their tax-exempt status."

Lynn's organization announced March 19 the formation of Project Fair Play, an election-year effort to bring churches into compliance with the IRS ban against politicking by non-profit organizations.

Lynn said Project Fair Play will use input from AU members, chapters and citizens across the country. Information that a church has crossed "the forbidden line of direct partisan involvement and candidate endorsement" will be passed on to the IRS, he said.

AU has made Second Baptist Church in Houston the first target of Project Fair Play. In a March 19 letter, Lynn urged the IRS to investigate activities of the "Nehemiah Project," a ministry of the

22,000-member Houston congregation. Lynn said printed materials distributed at the church encouraged individuals to vote for specific candidates in Republican Party precinct conventions.

Second Baptist Church officials have

insisted that the Nehemiah Project is non-partisan and neither endorses nor opposes candidates. However, a member of the congregation, Karen Kristopher, has filed a complaint with the Texas Ethics Commission

accusing the church group of "knowingly and intentionally supporting and opposing candidate(s) for election."

Lynn's letter urged the IRS to investigate and apply appropriate penalties.

"Absent some terrifically good explanation, I would think a substantial penalty would be imposed," he said.

Last year, following a complaint by AU, the IRS revoked the tax-exempt status of the Church at Pierce Creek, a New York congregation that ran full-page newspaper advertisements attacking then-presidential candidate Bill Clinton.

Lynn said the AU project is non-partisan and will target violations all along the ideological spectrum.

If pastors "get into the business of setting up a campaign in the church basement to support Bill Clinton, it's every bit as unlawful and every bit as irresponsible as if a church basement were used to direct a Pat Buchanan or Bob Dole campaign," he said. Δ



"Most American churches responsibly comply with IRS rules barring partisan politicking."

— BARRY LYNN

1936-1996

Six Decades
of Securing
Religious Liberty



The Baptist Joint Committee's work for religious liberty has attracted broad, but not always unanimous, support from member bodies. The agency's 1948 report noted that it had received sharp criticism from Baptists in the North and South because it asked the Supreme Court to reject the practice of "released time" religious instruction in Champaign, Ill., public school classrooms. The 8-1 Supreme Court decision striking down the practice was condemned by some Baptist leaders but praised by J.M. Dawson, the BJC executive director. Dawson later wrote that "nothing our Committee ever did caused so much turmoil." But his autobiography also notes that Baptists later "reconciled in support of the Court's ruling." Evidence of that is seen in a 1949 Southern Baptist Convention resolution supporting the high court's ruling in the case, *McCullum v. Board of Education of Champaign County*. Δ

GOP lawmakers announce 'community renewal' plan

Several U.S. House Republicans have announced plans 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.

Community leaders and several congressional members were present at a recent announcement, including Speaker of the House Newt Gingrich of Georgia. Reps. J.C. Watts of Oklahoma and James M. Talent of Missouri drafted the legislative package.

The congressmen hope to introduce the legislation before lawmakers break for Easter. Watts said the Great Society programs have only extended the "downward spiral" of low-income families. "It is people that change lives, not programs," Watts said.

A provision would give individuals a tax credit equal to 75 percent of the value of donations to charities that serve low-income people.

Gingrich applauded efforts to fund religious schools and social programs.

"If you don't start with a faith-based approach, you aren't starting," Gingrich said. He added that "all social work in the end is mission work."

Communities that meet outlined criteria and guidelines could become "renewal communities."

Businesses and individuals within "renewal communities" would enjoy certain tax incentives and would have to agree to participate in the low-income "scholarship" program created in the legislation.

Public funds would be used to cover the "reasonable" cost of transportation to alternative public schools or to provide scholarships to pay for tuition to private and religious schools.

The measure would also provide vouchers for drug treatment and counseling services administered by religious institutions.

A church-state specialist warned that religious institutions should be wary of strings attached to government funding.

"This proposed legislation offers a classic illustration of the 'He who pays the fiddler calls the tune' scenario," said James M. Dunn, executive director of the Baptist Joint Committee. "Why any church or religious institution would

knowingly accept being hog-tied by more government regulations, I don't know," he added.

German parliament wants religion in state schools

Germany's federal parliament has adopted a resolution criticizing Brandenburg, one of the country's federal states, for failing to introduce traditional religious education in the state's schools.

Brandenburg, in the former East Germany, has announced plans to introduce a course called "Life-Ethics-Religion" instead of the traditional religion courses taught in other German states.

In those courses, the churches usually play a significant role in determining what is taught, Ecumenical News International reported.

The March 15 vote is not binding on Brandenburg.

Ugandan rebels go on killing spree

Ugandan rebels seeking to establish a Christian theocracy in the central African nation have reportedly killed dozens of people in recent days, according to The Associated Press and Reuters news agency.

Reports from Uganda placed the number of those killed as high as 130. The rebels, the Lord's Resistance Army, have been fighting since 1987 to overthrow the government of Ugandan President Yoweri Museveni.

The rebels reportedly want to rule Uganda in accordance with their reading of the biblical Ten Commandments. Δ

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Church-State Intersection

J. Brent Walker

General Counsel



Election season is here again — the quadrennial election of the president no less. And debate about whether, and to what extent, churches can

become involved in campaigns pervades our public discussion. The IRS has revoked the tax-exempt status of a church in New York that took out a full-page ad in *USA Today* the week before the 1992 elections claiming that it was a sin against God to vote for Bill Clinton. Recently a church-state watchdog group called into question alleged political activities of a large Baptist church in Texas. So it is a good time to review the ground rules concerning political activities by churches and religious organizations.

The tax code provides that exempt organizations cannot “participate in, or intervene in ... any political campaign on behalf of (or in opposition to) any candidate for public office.” If they do, they risk losing their tax-exempt status.

The bottom line is this: Churches and religious organizations may engage in a limited amount of lobbying and they are free to take positions on public issues; but they may not support or oppose candidates for elected office without jeopardizing their tax-exempt status.

Here are a few dos and don'ts. Churches **may** become involved in several legitimate ways:

(1) **Voting record and candidate questionnaire.** Exempt organizations can distribute the voting records of candidates and answers to questionnaires if they include a wide variety of subjects and are unbiased and accurate.

(2) **Public forum and debates.** Exempt organizations may sponsor non-partisan forums or debates if all *bona fide* candidates are invited to participate. The moderator should be neutral, and the exempt organization should state clearly that it does not endorse any candidate.

(3) **Voter Registration.** Exempt organizations may sponsor voter registration drives and urge citizens to vote if the effort is unbiased and not done in cooperation with a particular campaign.

(4) **Individual political action.** Ministers and employees of churches, of course, may become involved in politics as *individuals*. If they do, it should be made clear that they are not representing the church.

A church should **not** engage in the following activities if it wants to preserve its tax-exempt status.

(1) **Statement of Endorsement/Opposition.** Candidates for public office should not be endorsed either directly or indirectly through a sermon, church bulletin or other official organ of the church. If this happens, the church should disclaim the endorsement in the same or similar forum.

(2) **Financial support.** Financial or other support should not be provided to a campaign or to a candidate. In the same vein, a church may not provide volunteers, lists, free use of facilities and the like, unless these are made available to all on an equal basis.

(3) **Partisan campaign literature.** Partisan campaign literature should not be distributed or displayed on church premises. This, generally speaking, includes the parking lot.

(4) **Political Action Committees.** Do not organize or become involved in a political action committee.

Even if tax exemption were not jeopardized by political activity, it's still a dicey venture. Explicit support of a political candidate by a church will almost always cause dissension within the congregation and water down the church's prophetic witness. By all means, speak out on moral issues that your congregation can agree on, but steer clear of endorsing political candidates.

(This summary of a complicated body of law is not intended to be legal advice covering all conceivable issues.) Δ

 Can government subpoena membership records of a church?

 It depends. Neither the freedom of association nor the Religious Freedom Restoration Act gives churches an absolute right to resist having their membership records inspected.



However, before government can be allowed to do so, it must demonstrate a very important “cogent interest” in obtaining the list (i.e., compelling state interest), and do so in the least intrusive means possible. An example of when inspection might be permitted is when a church or its members are being audited or when a crime is being investigated and prosecuted. An example of when it should not be allowed is when a city, which requires its employees to live within the city limits, seeks to require all the churches to disclose membership records to double-check the residency of employees. Compelling interest? Not! — and certainly not the least restrictive means.

In any case, these issues are complicated and local legal advice should be sought. (JBW)

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Taking God's name in vain

I was preparing a sermon recently on the third of the Ten Commandments given to Moses in the Mount Sinai wilderness. This is the commandment which forbids taking the name of the Lord in vain.

The name of God can be taken in vain or misused in a number of ways. The way we normally think is to use the words "God" or "Jesus Christ" in swearing.

Certainly that is one way that God's name is misused. However, as I prepared for my sermon, I was following the activities of the newly formed Waco Chapter of the Christian Coalition in the local news media.

While mulling over these two topics — the Third Commandment and the Christian Coalition — I couldn't help but think of another way in which the name of God is not kept holy and sacred.

I began to realize one subtle way that the name of God is taken in vain is when it is used — perhaps a better word is manipulated — for merely political purposes.

The Christian Coalition has formulated positions on every issue from tax policy to foreign policy to legal aid to term limits. The organization then attaches the name of God to its views, saying, "This is God's position" and "This is the Christian position."

I resent that. As a fellow Christian, I have not given them permission to speak for me on any issue. They are simply using the word "Christian" and using the name of God to justify and gain support for their particular political position.



When they do this they are cheapening the name of God; and when they do this they are taking the Lord's name in vain.

While the Christian Coalition is using the name of God, the organization itself is in turn being used.

It is used by Pat Robertson to bring more millions of dollars and more influence into his religio-political empire.

It is used by political candidates like Pat Buchanan to win votes.

It is used by some pastors to gain influence and a name for themselves in the community.

In the midst of all the using and manipulation, the holy name of God is like a football being kicked around and handed off in a game on a very muddy playing field. Sure, all the players look bad. They have a lot of mud on their uniforms; but what is truly a shame is that in the process the football gets pretty muddy, too.

In such games there are no winners or losers — only ruthless players and cheering spectators. Count me as a protester, picketing the stadium, carrying a sign that reads: "This is the awesome and holy name of God that you are playing with. Use another football or call off the game."

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