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NewsMakers

◆ Dusan "Dusko" Tadic, a Bosnian Serb charged with torturing and murdering Muslims and Croats, became the first person to be tried by the United Nations tribunal investigating Balkan war crimes.

◆ Singapore Chief Justice Yong Pung How recently ruled that the government acted legally when it jailed and fined seven Jehovah's Witnesses for threatening national security by their membership in the banned religious group.

◆ Religious leaders urged the Clinton administration to release 400 computers seized by federal agents before they could reach Cuban hospitals. Among leaders at a Capitol Hill news conference were Joan Brown Campbell, general secretary of the National Council of Churches of Christ; Stan Hastey, executive director of the Alliance of Baptists; Tyrone Pitts, general secretary of the Progressive National Baptist Convention; and Lucuis Walker, pastor of Salvation Baptist Church in Brooklyn, N.Y.

◆ South African President Nelson Mandela praised Parliament's 421-2 vote approving a new constitution that protects group rights to cultural, linguistic and religious association and bars discrimination based on race, gender, religion, sexual orientation, social or marital status. Δ

Keep government's hands out of collection plate, court says

In a decision hailed by U.S. religious groups, a federal appeals court ruled May 6 that tithes given to a church cannot be seized to pay the debts of donors who later declare bankruptcy.

The 8th U.S. Circuit Court of Appeals reversed lower court rulings that ordered

Crystal Evangelical Free Church to turn over \$13,450 given by Bruce and Nancy Young during the year before they filed for bankruptcy.

In a 2-1 decision, the appeals court said confiscation of the Minnesota couple's gifts would violate their free exercise rights.

The appeals court ruling hinged on a 1993 federal law that raised the legal bar government must clear before it can interfere with religious practice. Under the Religious Freedom Restoration Act, government must show a "compelling reason" to restrict religious exercise.

Ordering the church to turn over the funds substantially burdens the Youngs' free exercise of religion and does not further "a compelling governmental interest and therefore violates the RFRA," the appeals court said.

"Paying debts is important, but keeping the government's hand out of the offering plate is even more important," said Steven T. McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom.

McFarland's organization filed three briefs in support of the church. Joining the CLS brief at the appeals court level

were the Baptist Joint Committee, the Catholic League for Religious and Civil Rights, the Evangelical Lutheran Church in America, the National Association of Evangelicals, the Southern Baptist Christian Life Commission and the Traditional Values Coalition.

"RFRA is not a toothless tiger after all."

— Steven T. McFarland



"The court applied RFRA the way it should have, boldly and with teeth," said BJC General Counsel J. Brent Walker. "I cannot imagine a more serious threat to religious liberty and church

autonomy than for the government to raid a church's treasury to pay the claims of unsecured creditors."

Government "simply has no compelling interest that would justify effectively nullifying an accomplished act of worship," he said.

The Justice Department initially supported the bankruptcy trustee's efforts to recover the funds. But acting on orders from President Clinton, the department dropped its support the day before the appeals court heard the case.

White House officials said the action was consistent with the president's view that government "should be held to a very high level of proof before it interferes with someone's free exercise."

McFarland said the appeals court's interpretation demonstrated the vitality of the 1993 statute that restored the "compelling interest" test.

"RFRA is not a toothless tiger after all," he said. Δ

1936-1996

Six Decades
of Securing
Religious Liberty



The Baptist Joint Committee's sponsorship of a Religious Liberty Conference this fall (Oct. 6-8) to mark its 60th anniversary will continue a tradition that dates back to 1957. In March of that year, the BJC approved the establishment of an annual meeting called the Religious Liberty Conference, and the first conference preceded the October business session of the BJC. The topic of the conference was "Religious Freedom and Current American Public Policies." Similar conferences were conducted annually through 1970 when the committee voted to make the gathering a biennial conference. Early conferences dealt with topics such as "Public Funds and Church Agencies and Institutions," "The Churches and American Tax Policies" and "The Meaning of the Free Exercise of Religion." The biennial format was continued through 1990. This year's event will be the second Religious Liberty Conference in this decade. Δ



Gingrich salutes Graham during Capitol Rotunda presentation.



Clinton presents Graham a copy of Congressional Gold Medal bill.

Grahams receive congressional medal

Billy and Ruth Graham received the Congressional Gold Medal for "outstanding and lasting contributions to morality, racial equity, family, philanthropy and religion."

Among participants and onlookers at the May 3 presentation in the Capitol Rotunda were Vice President Al Gore, House Speaker Newt Gingrich, Senate Majority Leader Bob Dole, members of Congress, religious leaders and nearly all of the Grahams' five children, 19 grandchildren and seven great-grandchildren.

"You have touched the hearts of the American family," Gore said. "Over the last half century, few individuals have left such a lasting imprint on our national life."

Speakers noted that Graham's messages have been heard by more than 100 million people in person and 2 billion people on television.

Gore noted Graham has been a thoughtful spiritual adviser to presidents from Harry Truman to Bill Clinton.

Dole said, "I speak for millions around the world in saying that no one will ever preach the word of God better than you, and no one will ever preach it with a better partner at his side than Ruth."

He added that a list of the five or ten most influential individuals of the 20th century would be incomplete without the name of Billy Graham.

Gingrich and Senate President Pro Tem Strom Thurmond presented the award. Gingrich praised Graham for a "lifetime of outreach unparalleled in human history," and called Graham "one of the great

civic leaders of the 20th century."

Graham said that he and his wife felt very unworthy of the award. "As Ruth and I receive this award, we know that some day we will lie at the feet of the one we seek to serve."

Graham said the nation had lost sight of the moral and spiritual principles on which it was founded and needs a spiritual rebirth.

"First, we must repent; second, we must commit our lives to God and to the moral and spiritual truths that have made this nation great; and third, we must translate that commitment into action — in our homes, neighborhoods and our society," he said.

"As we face a new millennium, I believe America has gone a long way down the wrong road," Graham said. "We must turn around and go back and change roads. If ever we needed God's help, it is now."

At a banquet that night, President Clinton thanked the Grahams "for countless personal gestures that demonstrate that as private people they are what they seem to be in public."

Graham, 77, has published 18 books and has been listed 37 times since 1955 in Gallup's Ten Most Admired Men in the World, more than any other individual. Ruth Graham has published six books and is working on a seventh.

Congress has awarded the medal, first given to George Washington in 1776, 114 times. Graham is the second clergyman to receive the honor, and the Grahams are the third couple to receive it. Δ

Reflections

James M. Dunn

Executive Director



Some wag called the Baptist Joint Committee an equal opportunity offender . . . sort of a backhanded compliment.

Friends philosophize saying, "Ah, but you're known by your enemies" . . . well credentialed we.

Politics draws lies like molasses draws flies. I know, I know. But it still hurts after all these years, when, without checking the facts, not a note, not a phone call (we're in the phone book), some church writes saying we have suspended funding because "your commission . . . promotes legislative remedies which permit abortions on demand."

I've been here almost 16 years. This agency has not made a statement, lobbied a legislator, joined an organization, signed a document, written an article or given a penny to promote abortion. We have stayed out of that fight.

In fact, in a full board meeting in March of 1981, the Baptist Joint Committee on Public Affairs voted that the staff should take no position and no action on the abortion issue. It was/is divisive among the supporting Baptist conventions and conferences. Religious liberty and church-state issues in the strictest sense offer enough challenges to keep us busy. Better to do a few things well than many things poorly.

That policy of our board has proven wise. Yet, some persist in misrepresenting the BJC's work. There appears to be a destructive campaign afoot. It relies on guilt by association, condemnation by implication and outright dishonesty.

Some of our accusers lump the Baptist Joint Committee with the American Civil Liberties Union or "gay rights groups" or vaguely misty left-leaning loonies. It would be funny if the farfetched shots were not so mean and hurtful with folks who do not know better.

Part of this is clearly because of the politicization of Baptist life. Every such assault adds proof to our view that fundamentalists among Southern Baptists

have a right-wing political agenda.

Some of the problem is simply that folks have not done their homework.

Part of the problem may stem from the hate-Washington, despise-government and mistrust leadership syndrome (or sin-drome) that flows like the tide.

Cut it out! Don't let friends be snookered.

Let the truth be told.

The Baptist Joint Committee is non-partisan.

The Baptist Joint Committee has never endorsed or opposed any candidate or nominee. My predecessors were pushed to oppose President Kennedy and to support President Carter. Our staff was brazenly threatened if we did not support Judge Robert Bork. Never, none, nada, ninguno.

The Baptist Joint Committee is still the only church agency that works only on religious liberty and its essential corollary the separation of church and state.

The Baptist Joint Committee happily and handily cooperates in single-issue ventures with all sorts of folks to guarantee the free exercise of religion in this land. It is a matter of record that with the Christian Legal Society we led and still lead the battle for Equal Access legislation, allowing public school prayer meetings. We led the broad coalition that passed the Religious Freedom Restoration Act. We joined many others to offer public school religion guidelines.

We do it and we're glad. We dare not do less.

It is our high calling of God in Christ Jesus to stand for soul freedom.

The reality that "all have sinned" leaves us with no choice but to work with fallen humanity. To be salt and light requires no less. And it takes more, not less love; more, not less faith; more, not less hope to bear witness in the pluralism of American politics. We cannot be faithful followers of Christ without first going into all the world.

Help us get out the truth. Δ

Quoting

On the merits the church argues that requiring the return of these contributions unfairly discriminates against religion in general and, more specifically, against religions (and the members of those religions) that believe in tithing. . . . we hold that the recovery of the contributions substantially burdens the debtors' free exercise of their religion and is not in furtherance of a compelling governmental interest and therefore violates the RFRA.



... Even though the church encourages but does not compel tithing, the debtors consider tithing to be an important expression of their sincerely held religious beliefs. . . . Permitting the government to recover these contributions would effectively prevent the debtors from tithing, at least for the year immediately preceding the filing of bankruptcy petitions.

Excerpts from opinion by the 8th U.S. Circuit Court of Appeals in Christians v. Crystal Evangelical Free Church May 6, 1996

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 Mlssionary 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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James M. Dunn
Executive Director
Larry Chesser
Editor
Kenny Byrd
Associate Editor
J. Brent Walker
Book Reviews

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Panel urged to keep charitable incentives

A Texas Baptist attorney and businessman urged a congressional tax-writing panel to "maintain and enhance" charitable giving by keeping tax incentives for charitable donations in any tax reform package it approves.

Randall H. Fields, chairman of the Board of Regents of the Baylor University System, was among witnesses appearing May 1 before the House Ways and Means Committee. The panel, chaired by Rep. Bill Archer, R-Texas, conducted the hearing to assess the impact of various tax reform proposals on local governments and non-profit groups.

Fields, who manages the business and health law section of Johnson, Curney & Fields in San Antonio, testified on behalf of the Baptist Joint Committee.

Fields told the panel he applauds efforts to examine the federal tax system and urged that "efforts be taken to maintain and enhance the charitable giving sector of our economy, both in the intermediate term and long term.

"Any change in the federal tax structure will always send ripples through the economy," he said. "The replacement tax systems that have been proposed, when and if implemented, will magnify those ripples to tidal wave intensity without appropriate precautions."

Archer said when he was a child he learned in church that giving to others in need was an obligation. He said during that time there was little "incentive in the tax code and giving was fantastic."



Fields testifies at hearing.

Archer added that it is human nature to say, 'I gave at the office' after so many taxes go to safety nets and programs that the government provides.

Fields said that the volume of small charitable gifts are driven by three factors: "the general state of the economy; the esteem with which a particular charitable organization is held in the eyes of the 'public' that normally supports that organization; and to some degree the incentive of deductibility.

"Large charitable gifts are driven in today's economy by the same factors but to a much greater extent by the incentive of deductibility."

Fields said if incentives were reduced or eliminated, funds would move from the charitable sector to other areas such as savings. He added that a disruption in cash flow, which is the "lifeblood of all charities," could be life-threatening to charitable institutions.

While various tax reform plans are drawing attention in Congress and in political campaigns, Archer said that the committee is in the beginning stages of evaluating the proposals. He said no action will be taken this year.

Archer also said that he prefers a consumption tax rather than a flat tax. With a consumption tax, he said, there would be no need for incentives because there would be no tax on income. He said that the more people have, the more they can give. Δ



200 Maryland Ave. N.E.
Washington, D.C. 20002
202-544-4226

Fax: 202-544-2094

CompuServe: 70420,54

Internet E-mail:

BJCPA@erols.com

World Wide Web site:

<http://www.erols.com/bjcpa/index.html>

3452

DR. LYNN E. MAY JR.

HISTORICAL COMMISSION

127 NINTH AVE.,N

NASHVILLE TN 37234

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