



REPORT FROM THE CAPITAL

Volume 51, No. 18

September 17, 1996

NewsMakers

◆ Robert Hussein, convicted of apostasy in Kuwait after converting to Christianity, fled his native country rather than face an appeal. Under Islamic law, a Muslim who deserts his faith loses marital, parental and inheritance status. A Kuwaiti judge stated that "people like the defendant must be killed."

◆ Barry Lynn, executive director of Americans United for Separation of Church and State; Jay Sekulow, chief counsel for Pat Robertson's American Center for Law and Justice; Matthew Staver, president of Liberty Counsel; and Steven Shapiro, legal director of the American Civil Liberties Union, agreed to jointly develop a position paper on zoning controversies related to churches.

◆ President Clinton recently told the National Baptist Convention U.S.A., Inc., in Orlando, Fla., that under welfare reform, "Every state in the country can say to ... any church ... if you will hire somebody off welfare, we'll give you the welfare check as a supplement for the wages and the training."

◆ Rep. Ernest Istook, R-Okla., urged House Republican leaders to schedule a vote on his Religious Liberties Amendment to the Constitution before Congress adjourns. He said GOP leaders promised a vote on school prayer and will lose credibility if they don't deliver. ▽

Both sides in Texas dispute ask court to rule on RFRA

In an unusual twist, both sides in a Texas Roman Catholic parish's dispute with municipal zoning officials want the U.S. Supreme Court to resolve the constitutionality of a 1993 law Congress passed to enhance religious liberty.

As expected, Boerne, Texas, officials want the high court to reverse a federal appeals court ruling that Congress acted within its authority in passing the Religious Freedom Restoration Act and that under RFRA, city officials wrongly refused to issue a building permit to expand St. Peter Church.

But in something of an unusual step, lawyers for Archbishop P. F. Flores of San Antonio, owner of the real property of St. Peter Church, have also asked the high court to accept the case to settle questions about RFRA's constitutionality.

Lawyers for Flores argue that only a decision by the Supreme Court "can resolve the uncertainty and clear the way to compliance with (RFRA) either generally or in this case."

RFRA restored a long-standing legal test that required government to show a "compelling" reason to restrict religious practice. Religious groups asked Congress to enact RFRA after the U.S. Supreme Court ruled in *Employment Division v. Smith* in 1990 that government no longer needed a compelling reason to justify broadly applied laws and policies that burdened religious practice.

Boerne officials challenged RFRA's constitutionality after St. Peter Church officials said the city's landmark preser-

vation law violated the parish's rights under RFRA.

District Judge Lucius Bunton sided with the city, invalidating RFRA because he said it infringed on the authority of the courts "to say what the law is."

But the 5th U.S. Circuit Court of Appeals disagreed. It said the Congress can enact laws that protect constitutional rights if such laws do not conflict with other provisions of the Constitution.

Two other federal appeals courts also have upheld RFRA's constitutionality.

A coalition of more than 60 religious and civil liberties groups formed initially to support passage of RFRA has also asked the Supreme Court to use the Texas case to resolve the issue in favor of RFRA's constitutionality.

In a friend-of-the-court brief, the Coalition for the Free Exercise of Religion told the high court that U.S. religious groups cannot "maintain their beliefs and practices free from governmental interference as long as the Religious Freedom Restoration Act remains under a constitutional cloud."

The coalition's brief urged the high court to reverse its ruling in *Smith*.

"The sooner, the better," the brief states. "But as long as the Court is not prepared to do so, it should at least act promptly to remove any lingering doubt that Congress acted well within its powers when it responded to *Smith* with appropriate remedial legislation to safeguard religious freedom." ▽

Religious groups:

"Remove
Constitutional
cloud over
RFRA."

1936-1996

Six Decades
of Securing
Religious Liberty



On May 16, 1920, Dallas Baptist pastor George W. Truett proclaimed on the East Steps of the U.S. Capitol that religious liberty is America's chief contribution to civilization. "And historic justice compels me to say that it was pre-eminently a Baptist contribution," Truett added. That Baptist zest for freedom Truett described has been alive and well through 60 years of united witness for religious liberty at the Baptist Joint Committee.

You're invited to a party celebrating this heritage. Join Baptists who have taken up Truett's torch — including Tony Campolo, Gardner Taylor, Joan Brown Campbell, Walter Shurden and many others — Oct. 6-8 at Calvary Baptist Church in the nation's capital.

For details, contact the BJC:

202-544-4226

202-544-2094 (Fax)

World Wide Web site:

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

Voucher study flawed, math professor says

A recent study claiming that school voucher programs in Milwaukee perform better than public schools at educating low-income minority students was seriously flawed, according to a Samford University math professor.

The study was compiled by Jay Greene, an assistant professor at the University of Houston, Paul Peterson, director of Harvard University's program in educational policy and governance, and others.

The study said that students in the voucher program showed significant improvement in math and reading scores during their third and fourth years.

Janice Case, professor of mathematics and computer science at Samford, a Baptist university in Birmingham, Ala., questioned some of the conclusions the authors drew from the data.

"When you've got that much data, you can work with the numbers long enough to get the results you want. The authors appear to draw conclusions that are not substantiated by their statistics," she said.

The Milwaukee program allowed low-income families to use publicly funded vouchers to send children to non-sectarian private schools. Recently, a Wisconsin judge rejected a request from state officials to lift a court order barring use of vouchers in religious schools.

Students were randomly selected or not selected to receive the tuition voucher. The Greene-Peterson report disputed an earlier study by John Witte, a professor at the University of Wisconsin, which concluded there was no difference in the scores of voucher students and those who remained in the public schools.

Case said the voucher report used a lower than usual standard of weighing statistical significance. "The conclusions made in the report were just not backed up by the data they presented."

Case said their conclusions only had "substantive significance," which is an indication that further research should be done before drawing conclusions. "If you can draw conclusions from substantive significance, why worry about statistical significance?" Case asked.

Greene agreed that he did not have a lot of "statistical" confidence in some of the tables that were used to support the report's main analysis. He said he did have confidence, however, in the main

analysis, which showed that voucher students performed 5 percentage points higher in reading and 12 points higher in math after four years in the program.

The American Federation of Teachers issued a statement claiming that among other flaws, the Greene-Peterson report failed to include all the private schools that participated in the voucher program. "Four of these schools have closed, three under a cloud of financial and educational irregularities," the AFT statement said.

Case said another question raised by the Greene-Peterson report is the decline in the sample size from year to year.

Witte, author of the original study commissioned by the Wisconsin Department of Public Instruction, said the sample size of the selected school choice students declined because of attrition from the choice program averaging 30 percent per year.

Witte said attrition was "highest among students who had done significantly worse in the private school and whose parents were less involved in their child's education and were less satisfied with the private schools their children attended. Thus the surviving third- and fourth-year students are a very selective group."

The third and fourth years are when the Greene-Peterson report claims the most improvement. In one Greene-Peterson study, 691 students were used in the first year of the study, but only 108 were used in the fourth year.

Witte also claimed that several students who were not selected for the voucher program did not return to the public school system and were thus left out of the Greene-Peterson study.

Greene issued a report to answer Witte's criticisms, saying that cases were missing for several reasons. Only the students who applied during the first year the program went into effect could have been in the fourth-year study, while students who applied in any of the four years could be in the first-year study.

He also claimed that the sample size declined because of the high mobility of families from low-income areas. He argued students remaining in the study were similar to the original group of students and said Witte's claim that only the top students were left in the private schools was inaccurate.

"I don't think you can make data say something that they don't say," Greene said. Δ

Assess religious liberty laws by how well they work

An analysis of laws and constitutions in Central and Eastern Europe does not give an accurate picture of the status of religious freedom there, according to Eileen Barker, a leading authority on new religions around the world.

Barker, a professor of sociology at the London School of Economics, said that "if you just look at what is written down, it doesn't really give you the picture." She noted that some religions enjoyed more freedom under communism than under the various constitutions in countries in the former Soviet Union.

In a recent interview with Baptist News Service, Barker said it is not possible to characterize generally the status of religious freedom in former traditionally Christian countries in the former Soviet Union because each country is different.

Some have constitutions left over from the last decade, and others have changed or are in the process of changing their constitutions, she said.

"I'm not at all happy about some of the changes that are happening. Some of the constitutions are getting more control over religion," Barker said.

"Generally speaking, the rhetoric is for freedom of religion for everybody and indeed, a division between church and state. But this is done in a wide variety of ways," Barker said.

Religious groups are often not allowed to proselytize, which several evangelical groups see as their primary purpose.

"There are a lot of secular reasons, which can make the outside religions appear attractive and take away the indigenous religion's flock, which they feel they are entitled to," she said.

Barker has studied the situation in Armenia in depth, including several personal visits. Armenia, located east of Turkey and north of Iran, is one example of the struggle for religious freedom in countries that were traditionally Christian.

Armenia's whole history was centered on the Christian church, becoming the world's first Christian nation in the year 301. The Apostolic Church, as it is known, played a political and a social role that was as important as the religious role it



Eileen Barker

played, according to Barker.

"It has been a defining characteristic that you belong to the Armenian Apostolic Church almost as a birthright. And anyone who rejects it, is not then considered Armenian," she said.

After attending a Hare Krishna temple in Armenia, Barker once spoke to an Armenian woman who said the Krishnas could not be Armenian. Barker said, "I told the woman, 'Oh yes they are.'

She responded, 'Oh they're definitely not.' I said, 'But their names all end in 'i-a-n.' They've lived in Armenia all their lives. They speak only Armenian. How can you say they're not Armenian.' She said, 'because they are not Christian.'"

Barker knew the woman's children were atheists and asked what the difference was. The woman told Barker, "but they're Christian atheists."

During World War I, Armenians suffered the first genocide in modern history when the Turkish government's massacres and hardships resulted in the deaths of between 800,000 and 1.5 million Armenians. Many fled to what was to become the Soviet state of Armenia.

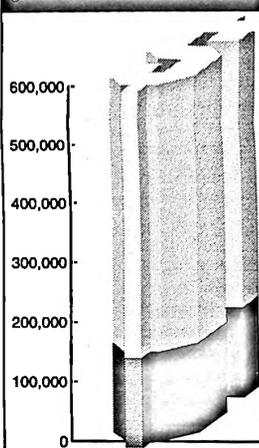
In 1991 Armenia became an independent republic. Officially, church and state are separate, but Barker said that religions are not allowed to proselytize. A special relationship exists between the Apostolic Church and the state, she said.

Barker spends a lot of her time lecturing in Central and Eastern Europe about religious freedom. She noted that an increasing problem is the growing nationalism that is frequently associated with the national churches. It's how people identify what a "true" citizen is, she said.

At one lecture about religious pluralism in the West, which she gave before the collapse of communism, a student raised his hand and said to Barker, "This is all very interesting, but who's going to win?"

Barker thought she had been misinterpreted, but at a following lecture on the same topic, "low and behold, I got the same question again." Barker, who gets a laugh after telling the story in the United States, said, "When I tell that story in the former Soviet Union, I don't always get laughter." Δ

Endowing the Baptist Joint Committee



Through mid-September, gifts and pledges to the Baptist Joint Committee's 60th Anniversary \$600,000 Endowment Drive totaled \$150,000.

Help us ensure that one of the nation's most reliable and respected voices for religious freedom thrives in the next century.

**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

James M. Dunn
Executive Director
Larry Chesser
Editor

Kenny Byrd
Associate Editor

J. Brent Walker
Book Reviews

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



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>

BOOK REVIEW

Defining Baptist Convictions: Guidelines for the 21st Century

Providence House, Franklin, Tenn., 1996
Charles W. Deweese, Editor.



Leaders of the fundamentalist movement in Baptist life have attempted to redefine traditional Baptist convictions and use their conclusions as litmus tests for denominational leadership. The Baptist ideas and convictions that led so many of us to become and stay Baptists have been repudiated by the authoritarian drum majors of the religious right.

With an acute awareness of these developments, Charles W. Deweese has assembled and edited a collection of 20 outstanding essays penned by 20 learned and devoted Baptists in *Defining Baptist Convictions*. With 21 years of experience on the staff of the Historical Commission of the Southern Baptist Convention, Deweese speaks with uncommon credibility. In his bold and courageous introduction, he writes that "nothing is more urgent for Baptists worldwide and for Southern Baptists in particular than to restate our convictions, to refocus our energies on teaching and living these principles, and to conserve these ideals for our children."

Deweese is to be highly commended for his selection of contributors. The writers have exceptional scholarly backgrounds in their respective fields, and this is reflected in the overall quality of the essays. James Dunn's chapter on religious liberty and church-state separation is one such passage which combines historical understanding with a fiery passion concerning the issue at hand. Dunn pro-

claims, "Soul freedom is the fire that burns in the innards of every true Baptist ... Daunting is the challenge to conserve and defend the distinctive marking on the beast called Baptist that insists upon the separation of church and state."

Also writing with courage and vision is Leon McBeth, who urges Baptists to understand and exercise the concept of the priesthood of all believers — a conviction which runs deep in our heritage. Molly T. Marshall tackles the issue of women in ministry and challenges Baptists to actively embrace women in all areas of ministry. These are but a taste of the thought-provoking, challenging contributions found in this book. These pages are filled with expositions by renowned Southern Baptists such as Cecil Sherman, William Estep Jr., Thomas Graves and Marv Knox, to name a few, as well as non-Southern Baptists, William Brackney of Canada and John Briggs of England. The beauty of their essays is that they reflect upon and respect the past, while pointing toward the future — truly leading us into the 21st century.

For those struggling with their Baptist identity or for those looking for affirmation of the wonderful convictions that originally led them to the Baptist body, don't let this book pass you by. As Walter Shurden suggests in his forward, this collection of Baptist ideas would serve as an excellent departure point for discussion in Sunday school classes and study groups. We must not allow our brains to stand idly by while our convictions are being distorted and reshaped by the fundamentalist movement.

— Edward F. Meier
BJC Intern

Non-profit Org.
U.S. Postage
PAID
Riverdale, MD
Permit No. 5061

3452

DR. LYNN E. MAY, JR.

SOUTHERN BAPTIST HISTORICAL LIBRARY &
901 COMMERCE STR., STE. #400
NASHVILLE TN 372203-3630