

Nashville, Tennessee



REPORT FROM THE CAPITAL

Volume 51, No. 19

October 1, 1996

NewsMakers

◆ Former Washington Post reporter Carl Bernstein and Italian journalist Marco Politi have published a book claiming Pope John Paul II secretly worked with the CIA to bring down Poland's communist government and that the United States and the Vatican had an "informal" partnership on issues such as abortion and nuclear arms.

◆ New York City Mayor Rudolph Giuliani is considering an offer to send 1,000 public school students to a Catholic school system. He said private funds would be used, but the American Jewish Committee warned the mayor to heed church-state concerns. The AJC said student participation must be voluntary.

◆ Hala Maksoud, president of the American-Arab Anti-Discrimination Committee, is seeking an apology from the Portsmouth (Va.) Police Department for arresting (but later releasing) two Muslim women wearing face veils. Maksoud said the officer told the women, who were walking from a mosque to a store, that it is unlawful to wear a "mask" in public.

◆ Barry Lynn, executive director of Americans United for Separation of Church and State, said that while the Christian Coalition claims 1.8 million members, the actual number is closer to 310,000.

Workplace religious liberty bill favored by U.S. religious groups

A diverse religious coalition is supporting a bill that would require employers to provide greater accommodation for the religious practices of employees.

The Workplace Religious Freedom Act recently was introduced by Rep. Jerrold Nadler, D-N.Y., and Sen. John Kerry, D-Mass.

Backers of the bill hope to raise the issue this year and build support for passage in the next Congress.

The Coalition for Religious Freedom in the Workplace joined Nadler at a press conference to show support for the bill.

Federal civil rights laws require employers to reasonably accommodate the religious practices of an employee unless the accommodation poses an "undue hardship" for the employer. Supporters of the bill say the Supreme Court has interpreted employees' rights too narrowly.

The new measure would define "undue hardship" for an employer to mean "significant difficulty or expense."

Kerry said the bill's definition of undue hardship has worked well in the Americans with Disabilities Act. "Religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment," Kerry said.

Nadler said, "No American should ever have to choose between their job and

the balance between legitimate business concerns and the rights of employees.

Nadler said that in one case, the high court held an undue burden to be anything more than a "de minimus cost to the employer." A very slight burden could suffice under the decision, he said.

Another decision held that "any reasonable accommodation by the employer is sufficient to meet the obligation to accommodate," even if the employee prefers another form of accommodation.

"If the Civil Rights Act's promise of a workplace free from religious discrimination has any meaning at all, it is that employers must make a genuine effort to accommodate the religious beliefs of employees," he said.

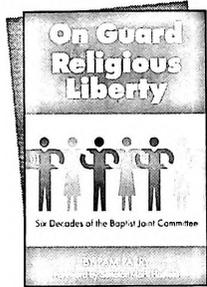
James M. Dunn, executive director of the Baptist Joint Committee, said the measure would ensure an "appropriate" place for religion in the workplace. "It will return the law to its former strength, requiring employers to accommodate religious practices unless doing so would cause significant difficulty," he said.

Steve McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said in a written statement that the measure would be good for business. "An accommodated worker of faith will be a grateful, faithful worker," McFarland said. "Conversely, forcing an employee to choose between her job and her deepest convictions will



"No American should ever have to choose between their job and the right to practice their religion."

— Rep. Jerrold Nadler



"While the State earns most of our repudiation today, it is not alone in turning its back to religious liberty. The ecclesiastical authority of the institutional church has more than once shown dissenters little of God's mercy, or His love. It was the clenched hand of the established church that drove the famous Baptist Roger Williams into Rhode Island in search of freedom to worship.

"Unlike John Bunyan and Roger Williams, I have come to naturally expect religious liberty, and under our Constitution, it is a freedom each American has the right to demand. But sometimes, however unobtrusively or even unintentionally, there are moments when our religious liberties are put in jeopardy. Therein lies the purpose of the Baptist Joint Committee: struggling to ensure that what so many take for granted is never taken away."

— Sen. Mark Hatfield
in foreword to

On Guard for Religious Liberty: Six Decades of the Baptist Joint Committee
a new Smyth & Helwys
book by Pam Parry;
available from the BJC and
Smyth & Helwys for \$8.95

Carter, Moyers to receive BJC religious liberty award

Former President Jimmy Carter and journalist Bill Moyers have been named 1996 recipients of the Baptist Joint Committee's Joseph Martin Dawson Religious Liberty Award.

The Dawson award is presented periodically by the Washington, D.C.-based religious liberty agency and is named for the first executive director of the 60-year-old agency. It recognizes contributions of individuals in advancing religious liberty, defending separation of church and state and applying Christian commitment in public life.

The award to Carter will be presented during the BJC's 60th anniversary conference, scheduled Oct. 6-8 in Washington, D.C. The presentation to Moyers will be scheduled at a later date.

Nation's high court urged to correct RFRA ruling

Nine religious groups have asked the U.S. Supreme Court to correct a California Supreme Court decision that they say frustrates a 1993 law Congress passed to protect religious liberty.

Under the Religious Freedom Restoration Act of 1993, government cannot substantially burden religious freedom unless it has a legally compelling reason.

The rub for the religious groups comes in how California's top court defined "substantial burden." Its narrow measurement for determining when religious practice is substantially burdened raised the threshold for triggering RFRA too high, the religious groups complain.

Northern California landlord Evelyn Smith cited RFRA in a dispute over her refusal to rent apartments to unmarried couples. The refusal was based on her belief that sex outside of marriage is sinful.

Housing officials ruled that Smith violated the state's ban against marital status discrimination in housing. But a state appeals court disagreed, holding that RFRA trumped the fair housing law.

That decision was reversed by the state Supreme Court's 4-3 ruling that neither the First Amendment nor RFRA shielded Smith from compliance with the fair housing law.

In disposing of the RFRA claim, the court said enforcement of the fair housing

Smith's religion. They said Smith's religion did not require her to earn a living as a landlord and that she could choose some other investment.

The religious groups, including the Baptist Joint Committee, urged the nation's high court to reverse the ruling that Smith's religion was not burdened.

The brief notes that its signers likely disagree over whether the state's interest in stopping housing discrimination is sufficiently compelling to outweigh Smith's religious liberty claim. But they are united in their view that the California landlord had shown "substantial burden" on her religious practice and that the state must justify that burden by showing that it is using the least restrictive means available to further compelling interests.

Religious leaders seek civility in public debate

Leaders from the nation's Roman Catholic, mainline Protestant and Jewish communities have issued a plea for civility in the country's political debates and for more attention to issues rather than personalities.

Their one-page statement was welcomed by President Clinton and a spokesman for Republican presidential candidate Bob Dole.

"Sadly, too many candidates and political professionals engage more in tactical combat than civil debate, seeking to reduce support for an opponent rather than gather support for their own cause," the civility statement said.

"We regret the empty rhetoric, polarizing tactics, misleading advertisements and dirty tricks that weaken our democracy and breed contempt for the political process," it added.

In his response, Clinton said he was "very supportive" of the call for civility. "Americans of all faiths and creeds have made it clear that they have little patience for the fierce partisan and personal attacks that too many political figures and pundits engage in," Clinton said.

A Dole senior campaign official also welcomed the call, saying that "on several occasions Bob Dole has stated that Democrats are our opponents and not our enemies. That is clearly the spirit in which we are running the Dole-Kemp campaign."

The statement was signed by more

Reflections

James M. Dunn

Executive Director



The right is often wrong. Seldom willing to admit it. Probably, to be fair, not aware of being wrong. Often in error, never in doubt.

When is right wrong? Look at all 10 dictionary definitions of "right."

Obviously right is wrong when it's based on something factually untrue, inaccurate. That's the lowest level of wrong and it's pervasive. Our culture has enough ignorance to ignorance the world. Radio talk shows feed on it. You recognize it.

Right is wrong when it's based on lies.

The right is wrong, when, however noble and idealistic, it isn't rooted in reality. Oh, not so much factually inaccurate as actually disconnected from life, both feet firmly planted in mid air. Some well-meaning Christian friends of mine have taken to this wistful withdrawal.

No more compromise,

No more lesser-of-two-evils candidate choices,

No more loyalty to Democrats or Republicans.

That's not the way the world works, and it doesn't take a cynic to tell you that. It takes simply someone who takes seriously the fallen condition of humankind.

What incomprehensible conceit to think that one's own thoughtfulness, theology and political wisdom are going to eradicate the need for compromise and compared-to-what choices and stumbling partisan behavior.

Then, right is wrong when what is legal is confused with what is moral. I'm underwhelmed by talk of faith and freedom by leaders of the Christian Coalition so-called.

Any moral authority the Christian Coalition might have is greatly diminished by its history and its violation of election law.

We have to decide if we want to make a profit or be a prophet. The right is

Famous" bear little resemblance to the Carpenter of Galilee.

Next, the right is wrong when anyone or any group is so certain of noble goals that the end justifies the means. Destroy a village to save it. Tell all sorts of lies to advance the truth. Engage in dirty tricks for a cleaner country.

The danger to liberty arises when believers grow so certain of their faith that they are prepared to impose it by force of law. Judge Learned Hand speaking in Central Park in 1944:

What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. ... the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who near 2,000 years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest.

The Evening Sun, Baltimore,
September 4, 1984, P. A6.

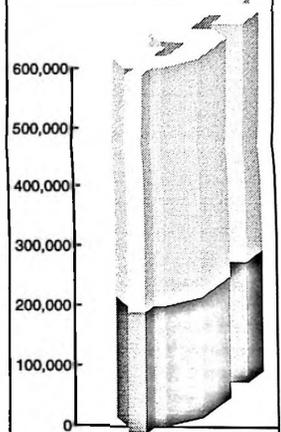
Finally, right is wrong when propositions or ideology are put ahead of people. If dedication to dealing with the deficit or tax breaks, liberal or conservative constituency is more important than the ways laws affect people, one should at least think again. The "I" (first person singular pronoun) even God will not trample. No policy can be correct that grinds people under.

The right is wrong when any people make their rightness a requirement for all the rest of us.

Two vastly different visions of America compete for our loyalty. One affirms conformity, control and coercion. The other embraces diversity, humanity and freedom. Choose and classify yourself.

Roger Williams, the pastor of the first Baptist church on this continent, said, "The practice of difference is a measure

Endowing the Baptist Joint Committee



Through late September,
gifts and pledges to
the Baptist Joint
Committee's
60th Anniversary
Endowment Drive
totaled \$200,000.

**Help us ensure that one
of the nation's most
respected 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

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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.

Book Review

The Legal Answer Book for Nonprofit Organizations

Bruce R. Hopkins, John Wiley & Sons, Inc., Publishers, New York, 1996, 286 pages paperback, 1-800-225-5945.



There is no shortage of heavy and heavy-duty law books on the law of exempt organizations. But there is precious little that is both thorough and written in a way that a lay person can find helpful. Bruce Hopkins, an expert in nonprofit law and author of the authoritative text, *The Law of Tax-Exempt Organizations*, has written a paperback primer designed for the lay person — the nonprofit executive, board member, fund raiser and pastor — as well as lawyers and accountants.

It is not just a legal treatise. It is set up in a question-and-answer format posing often-asked questions with helpful answers and guidance. The book mostly avoids technical lawyer talk. Citations are provided as research aids for those who need more detail. It contains a helpful list of questions in the table of contents and an exhaustive index. The author expects to update the book periodically.

The book is surprisingly comprehensive. It is divided into 12 chapters with several hundred questions and answers. The chapters span the gamut from how to set up and operate a nonprofit organization, to liability for directors, to problems concerning private inurement by insiders, as well as information on development in the planned giving and fund-raising areas. The book talks about what to do in case of an IRS audit, how to handle subsidiaries, and the pitfalls of and tax liabil-

ity for unrelated business activities.

Particularly helpful in these pre-election days are two chapters about the restrictions on lobbying and political activities of nonprofit organizations in general and churches and other §501(c)(3) organizations in particular. Hopkins sketches out such practical information as the difference between public education activities (which are permitted) and the endorsement of political candidates (which is not). He also talks about what it actually means to "intervene" in a political campaign, who is a "candidate for public office," and what is meant by "public office." Finally, he comments on the distinction between the tax laws and the federal election laws. This has been the subject of much debate and confusion in the aftermath of last month's Federal Election Commission suit against the Christian Coalition.

In any case, this book will not solve everyone's problems; but it will help ease the lay person into this area of the law and provide a convenient desk book. Nor will it eliminate the need for lawyers and accountants in difficult cases; but it will allow the lay person to communicate intelligently with experts.

Now the bad news: \$75 is a lot to shell out for a paperback book, no matter how good it is. What's more, the periodic updates will also be expensive, although the first update after your purchase is free. Potential purchasers: Weigh the cost and benefits before you buy.

— J. Brent Walker
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