



Nashville, Tennessee

# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **Santha Stall-Friedman**, a Delaware, Ohio, school principal, formed a panel to study whether to extend school officials' request that students not wear shirts with satanic themes to all religious messages. Students who had been urged not to wear shirts with satanic themes asked that others not wear shirts with Christian messages.

◆ **Raye Nell Dyer**, an ordained Southern Baptist who sued two Texas Baptist organizations for discrimination after she was fired from her campus minister job, said she dropped the lawsuit because of the likelihood it would be dismissed on church-state grounds.

◆ **Jesse Jackson**, president of the Rainbow/PUSH Action Network, said the Christian Coalition is a political, not a religious, organization. "They are really wolves in sheep's clothing. They never raise their voices to defend the poor and deliver the needy," he said. After a post-election news conference, he also affirmed his opposition to vouchers for private schools.

◆ **Deval Patrick**, U.S. assistant attorney general, said 112 people, two-thirds of them white, have been arrested in recent church arson cases. Since 1995, federal authorities have investigated 280 church fires, including fires at about 130 at black churches. Δ

## Supreme Court rejects appeal of Mississippi school prayer law

Mississippi has lost a bid to skirt previous court decisions barring government-sponsored prayers in public schools.

Without comment, the U.S. Supreme Court refused Nov. 4 to revive a 1994 Mississippi law that would have permit-

ted group prayers at public school assemblies, sports activities and other "school-related student events" even when attendance at the events is compulsory.

The Mississippi legislature enacted the law after Jackson, Miss., principal Bishop Knox was disciplined for allowing students to begin each school day with a prayer over the intercom. State lawmakers also approved a resolution commending Knox for his "unswerving dedication to prayer in public schools."

But federal district court Judge Henry T. Wingate blocked implementation of the law, except for a provision allowing student-initiated prayers at high school commencement programs. Wingate's ruling was later affirmed by the 5th U.S. Circuit Court of Appeals.

The appeals court concluded that most of the law's provisions violate the separation of church and state required by the Constitution.

While the Supreme Court has never barred voluntary student prayers in public schools, justices struck down government-sponsored prayer and religious exercises in public schools in landmark rulings in 1962 and 1963.

In 1992 the high court invalidated a

Rhode Island school district's practice of scheduling clergy-led prayers at graduation programs. But a year later, the high court refused to disturb a 5th U.S. Circuit Court of Appeals ruling that upheld a Texas school district's policy of permitting student-led, student-directed graduation prayers that

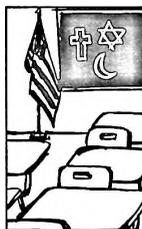
are nonsectarian, non-proselytizing in nature.

In weighing the Mississippi law against past high court rulings, the appeals court said the law is invalid because "its purpose is to advance prayer in public schools, its effect is to advance religion in the schools and it excessively entangles government with religion."

The appeals court also noted that the law would allow "prayers to be given by any person, including teachers, school administrators and clergy at school functions where attendance is compulsory."

Finally, the appeals court said the law unconstitutionally endorsed religion because "it allows school officials in their capacity as representatives of the state to lead students in prayer and sets aside special time for prayer that it does not set aside for anything else."

Baptist Joint Committee General Counsel J. Brent Walker said the high court's refusal to review the Mississippi law was not unexpected. He noted that even some critics of the Supreme Court's rulings on church-state separation have acknowledged that Mississippi lawmakers went too far in the direction of government-sanctioned prayer. Δ



*"Returning prayer to public schools is not a secular purpose."*

— 5th U.S. Circuit Court of Appeals



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— BILL MOYERS



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## Voters reject initiatives on parental rights, taxes

Voters rejected some state initiatives on the Nov. 5 ballots that could have threatened the church-state balance, including one that could have led to numerous court claims by parents questioning public school curriculums and policies.

In Colorado, 57 percent of the voters turned down a state "parental rights amendment" supported by groups in the religious right that would have granted parents the inalienable right to "direct and control the upbringing, education, values and discipline of their children."

Supporters said Amendment 17 would affirm parental control, make the public schools more accountable to parents and would limit government's ability to interfere in family life. Opponents, however, argued that the language was too broad, would negatively impact public education and would endanger children's safety by interfering in child abuse protection.

Oliver "Buzz" Thomas, special counsel for religious and civil liberties for the National Council of the Churches of Christ in the USA, said the measure "would have given the worst parent in the school district a trump card over every single policy the popularly elected school board chose to adopt."

He said a parent who believed that whites were the only people with rights to citizenship could challenge a curriculum that taught racial equality. Also, parents who believed that only abstinence should be taught in sex education courses could be hauled into the court by a parent who held an opposing view.

While not supporting this particular amendment, Steve McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said that there is a need for a state constitutional amendment to protect parental authority. "Too many of the educator organizations have appeared to have forgotten that fundamental right," he said.

Thomas also applauded Colorado's overwhelming 87 percent to 17 percent rejection of Amendment 11, which would have eliminated property tax exemptions for churches and other nonprofit groups.

"I cannot overstate the importance of these decisions. If we had lost either one, we would find ourselves facing fights in dozens of states across the country," Thomas said.

McFarland added that the tax initiative defeat "hopefully will dissuade other revenue-hungry states from trampling the religious liberty of churches."

Yet another controversial church-state issue appeared in a Washington state voucher initiative that would have funneled public funds to private and parochial schools for tuition payments. It was rejected by 65 percent of the voters.

In other ballot issues, California voters barred race and sex preferences in public hiring, contracting and education. Arizona and California approved the medical use of marijuana. Gambling proposals failed in Arkansas, Nebraska and Ohio but one was approved in Michigan.

## Administration asks court to reverse Aguilar ruling

The Clinton administration has asked the Supreme Court to reverse its 1985 ruling that limits how federally funded remedial education for needy students is provided to pupils in religious schools.

In a brief filed on behalf of Secretary of Education Richard Riley, the administration asked the justices to accept a case brought by New York City seeking the overturn of the 11-year-old ruling known as *Aguilar v. Felton*.

New York argues that because of the ruling, the so-called Chapter One program, which provides remedial education for students from poor families, has proven to be burdensome and expensive.

The ruling barred public school teachers from providing on-site remedial and compensatory education and counseling to students at religious schools. Instead the religious school students are transported to public schools or given special instruction in vans near the schools.

In its brief, the Clinton administration said that public schools are spending "hundreds of millions of dollars" to comply with the ruling that has a "significant adverse impact" on the public school's ability to serve low-income students.

The brief notes that current high court members may now reflect a different view of how rigidly church-state separation should be enforced.

That view drew a sharp response from American Jewish Congress lawyer Marc Stern. "It's mind-boggling to think that every time the Court blinks, you should be able to reopen judgments you don't like," he said.  $\Delta$

# Reflections

*James M. Dunn*

Executive Director



The crisp, clear day put a bounce in my gait on the mile-long walk from the polling place Nov. 5. On an elevator I asked a perky young woman, "Have you voted yet?" Her reply jolted me, "I don't vote."

After thoughtful reflection, maybe 3 seconds, I opined, "You can't be a good citizen if you don't vote." To which she, call her Chris, responded, "I can't be a good Christian if I do."

The elevator door opened. I dropped the subject, but it set me thinking.

First, I felt a deep distress because so few people bother to vote. This young woman is in the majority for the first time since 1924.

Then, "What the heck!" America deserves the public officials we get with that irresponsible attitude. William Temple said, "Since we Christians cannot deny the existence of power, we must simply be good stewards of it." True, the "power" of one vote is a microscopic smidgen, but we'd better use it or lose it.

On more reflection it dawned on me, at least for her, maybe she's right. Any serious Christian who doesn't know the issues, the candidates, the morality of the options would be sinning big time to vote his or her ignorance. Most of us have had the experience of making a few wild guesses on a long ballot.

The overriding ignorance of most citizens about politics has hit me hard this year. I've been in 28 states in the last few months and I'm absolutely convinced that the vast majority of people do not know enough to cast an informed vote.

Empirical studies back me up. The average voter thinks the USA spends 15 percent on foreign aid. It's 1 percent. Eighty-seven percent of Americans believe the budget deficit is the same or higher than 5 years ago. It's actually \$109 billion compared to \$290 billion in 1992. Most folks think the unemployment rate is 21 percent. It's just over 5 percent.

Sitting ducks for demagogues, that's what we are. Maybe the pious non-voter is right to know enough to know that it would be immoral to cast a ballot without understanding the consequences.

Somehow, the nation will stumble on. But, consider:

There is an ethical question for Christians.

T.S. Eliot may have only had the rhyming right when he wrote: "The last

temptation is the greatest treason:

To do the right deed for the wrong reason." I tend to be grateful we — any or all of us together — do the right thing for whatever reason.

That's plainly better than doing the wrong thing for the right reason. It's also vastly desired over doing the wrong thing for the wrong reasons. There was more than enough of that Nov. 5.

But all believers, decent folks, honest humans would surely hope to do the right deed for the right reason.

Not easy! The glut of information overwhelms us. Everyone does not have a League of Women Voters or American Association of University Women study of the issues. Few folks read the full text of speeches, press conferences or court decisions and decide right and wrong for themselves. Most of us do not work through the reports of Common Cause, The Center for Responsive Politics or the Center for Public Integrity to comprehend the cesspool of evil that campaign finance has become. We are all ignorant, just to different degrees and about different issues. It's tough!

Thomas Jefferson said, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

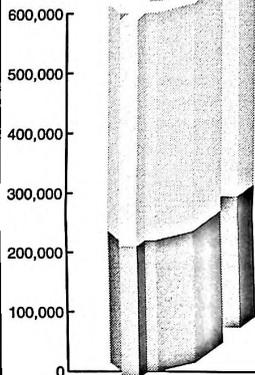
Cause for pause, as is another well-known Jefferson comment: "I tremble for my country when I reflect that God is just."

Maybe Chris is right not to vote.

A sad reflection on the election. Δ



## Endowing the Baptist Joint Committee



"Circumstances today confirm religious liberty as central to all civic liberties and not to be taken for granted. But without the organic separation of the state from religion, both institutions would be subject to the unprincipled pursuit of power that has characterized nation-states ruled by ideological passion.

The Baptist Joint Committee, therefore, is not just an office but a mainstream mission of Baptists and, therefore, must endure."

— A note from a retired Baptist minister who pledged \$100 monthly toward the BJC endowment fund until the \$600,000 goal is reached.

## Baptist Joint Committee

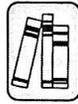
### Supporting Bodies

- ◆ 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

# Book Review

## Without A Prayer: Religious Expression in Public Schools

Robert S. Alley, Prometheus Books, 1996, 277 pages, \$25.95 (800-421-0351).



Meet a unique group of people who did not allow fear to prevent them from doing what they knew was right. Experience the pain and anguish accompanying the daily existence of a misunderstood minority. Embrace a new appreciation for modern-day heroes who risked it all to preserve freedom: Fourth-grader Jim McCollum suffered numerous bloody noses and black eyes, none of which were as painful as the verbal assaults he was forced to endure. ... Ellery Schempp's college applications were secretly intercepted by his principal who warned college officials not to admit him. ... Joann Bell's children lost everything when their home was destroyed by arsonists in the name of Christianity.

Through the eyes of those who experienced the perils of the church-state debate first-hand, Robert Alley, in his new work, *Without A Prayer: Religious Expression in Public Schools*, allows readers a glimpse into the timeless struggle to discern the "proper" relationship between church and state within the public school arena. Alley, a professor emeritus of humanities at the University of Richmond, traces the steps of families who took legal action against school systems and forced the Supreme Court to clarify the role of religion in the public school. His explanations of those defining church-state decisions by the Court shed new light on a

complicated issue. Attention to detail allows Alley to transform mere names attached to pivotal church-state cases such as *Abington vs. Schempp* into real people with real struggles and real courage who risked safety and pride, all in the name of liberty.

One of the most startling revelations by the author is the way in which so-called Christians in the community participated in the violence inflicted on families who refused to allow their children to take part in school-sponsored religious activities. Threatening phone calls, obituaries sent by mail and vicious verbal abuse: Instead of denouncing the violence, "Christians" were perpetuating it. One chapter, appropriately titled, "Where Have All the Christians Gone?" brings shame to anyone who would claim to be a Christian and yet participate in such cruel behavior.

Most appropriately, Alley's accounts cause us to realize that, while we all are diminished when injustice prevails in society, it is ultimately the child who suffers the most here. Recounting his own experience of sitting outside on the school steps with a Jewish classmate while religious teachings were taking place inside the classroom, Alley recalls the ostracism that can be so damaging to a child.

An old adage expresses the idea that "one must know where he has been in order to know where he is going." When proposed constitutional amendments to return state-sponsored prayer to the public school abound, it is imperative that we are aware of the history of this volatile issue in order to understand its significance today.

— Allison Lee  
BJC Intern

### REPORT FROM THE CAPITAL

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