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REPORT FROM THE CAPITAL

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NewsMakers

◆ Cheryl Gaines, a legal volunteer for the BJC since September, was admitted Nov. 18 to the Supreme Court Bar. She is a graduate of Tulane University Law School and is pursuing a master of divinity degree from Colgate-Rochester Divinity School.

◆ Abraham Foxman, the national director of the Anti-Defamation League, welcomed the U.S. Navy's decision to withdraw its sponsorship of a rally held by the Christian men's group Promise Keepers. The Navy withdrew its support after the ADL raised church-state concerns.

◆ Francesco Centofanti, an Italian judge, has ruled that blasphemy against the Virgin Mary is no longer a crime in the predominantly Roman Catholic nation — although it is still illegal to curse God. The ruling came in a case against a motorist who uttered curses when stopped at a traffic check.

◆ Mona Ghalib, a Muslim university student in South Carolina, has asked United Arab Emirates officials to "unconditionally release" her husband, Elie Dib Ghalib, who was sentenced to a year in prison and a flogging after an Islamic court ruled that the couple's interreligious marriage was invalid. A Lebanese Christian, Elie Dib Ghalib has been imprisoned in Abu Dhabi since November 1995. Δ

State Department names panel to work on religious persecution

Moving to sharpen its focus on religious persecution overseas, the U.S. State Department has named 20 religious leaders and scholars to a new Advisory Committee on Religious Freedom Abroad.

The new committee is expected to begin meeting next year and will "seek to achieve tangible results," said John Shattuck, assistant secretary of state for Democracy, Human Rights and Labor.

He will chair the new advisory panel.

"Religious freedom is a right we hold sacred in America," Shattuck said. "It is a right which we would look to see exercised in every corner of the globe. The creation of the advisory committee is a step in that direction."

At a State Department briefing, Shattuck said the committee will foster "greater dialogue between religious communities and the U.S. government."

He said that "religious and ethnic conflict have been at the forefront of human rights dilemmas in recent years" and that the panel's creation represents the administration's "commitment to address these issues with new and creative means."

Personal experience in addressing the human rights catastrophe in Bosnia, he said, "has shown me how important it is for our foreign policy to stand up for religious freedom and tolerance."

He added that creation of the panel shows the State Department's "expanding outreach to the non-governmental

community and its recognition of the positive role religious communities can play in promoting human rights."

Asked whether U.S. foreign aid will be linked to religious tolerance, Shattuck said the United States already uses

human rights as one indicator for determining which nations receive foreign assistance.

"So certainly issues of religious freedom, which are very significant elements of human rights, are going to

be taken into consideration here," he said.

The White House said the new panel "will call attention to the problems of religious persecution abroad" and is "expected to provide advice on how to bring about reconciliation in those areas where religious enmity is a threat to peace."

During the past year, the administration was urged by evangelicals and others to appoint a "special adviser" to the president to deal with religious persecution.

An administration official said the panel's formation reflects a "sincere concern on the part of the U.S. government, independent of lobbying efforts by evangelicals, for the plight of those seeking to practice their religion, as well as a concern for the role religion plays in causing conflict and for the ways religion can play a reconciling role in mediating conflict."

James M. Dunn, executive director of the Baptist Joint Committee, called the State Department action "an important development in the field of human rights and religious liberty." Δ

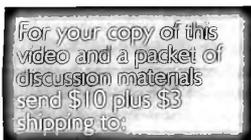
"Religious freedom is a right we hold sacred in America. It is a right which we would look to see exercised in every corner of the globe"

— JOHN SHATTUCK



"I find (soul freedom) in the Constitution in the same way that I find the wind in the grain. You see the grain, but you can't see the wind. And when I read the First Amendment, I see the wind in the grain. Because isn't the First Amendment designed to protect soul freedom?"

— **BILL MOYERS**
in *The Intersection*,
a religious liberty video
for free Baptists.



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Moyers receives BJC award, urges religious dialogue

Broadcast journalist Bill Moyers urged Baptists to "enter the dialogue" about religion in the United States and "take the Bible back from the experts and extremists."

Moyers spoke to more than 1,700 people attending the annual Texas Baptists Committed breakfast on Nov. 12 in conjunction with the 111th meeting of the Baptist General Convention of Texas.

During the breakfast, Moyers received the 1996 J.M. Dawson Religious Liberty Award presented by James M. Dunn on behalf of the Baptist Joint Committee. Moyers joins President Jimmy Carter as this year's recipients.

Moyers, an ordained minister and graduate of Southwestern Baptist Theological Seminary, applauded efforts by moderate Texas Baptists in recent years to thwart takeover attempts of their convention by "fundamentalists."

Moyers said his travels around the world have enabled him to see movements of "distemper" in the Middle East, India and other places controlled by fundamentalist movements.

"And I've seen it in the United States," Moyers said. "I've seen it at the World Trade Center ... I've seen it at abortion clinics ... and I've heard it preached in contempt against our government."

Moyers added he saw the same kind of "fundamentalist distemper" last year at a Dallas convention where aprons were being distributed. The aprons had two pockets, he said, "one for a Bible and one for a gun."

And Moyers said he has heard similar ideas expressed by "the newest Southern Baptist, Jerry Falwell," on the Old Time Gospel Hour, "where he suggests the president of the United States may be a murderer."

"I've listened and I've wondered, 'Where is Jesus in this? Where are the teachings of Jesus? Where is the healing Jesus who looked with compassion on people? Where is the shepherd Jesus?'"

"How did this Jesus get yoked to such a narrow and pinched and reactionary agenda?" Moyers asked. "I don't get it. I really don't get it."

Congratulating Texas moderates on retaining control of the BGCT, Moyers said, "I know what you've been up against. I know who you've been up

against. The real reason I came here today is to thank you for the courage and determination you have shown. What you are about is the right of conscience.

"For Baptists of our stripe, for Texas Baptists Committed, the separation of church and state encourages neither animosity nor favoritism. America can survive without the Southern Baptist Convention," he said, but "democracy is finished without the love of liberty by Baptists who know the price of freedom. Your witness goes beyond politics and power to the love of liberty."

Moyers said his work on the Public Broadcasting special "Genesis" has brought him into dialogue with people of other faiths.

Moyers said his discussions have made him a "much better Baptist from listening to the Buddhist and the Hindu."

Moyers said the debate among Baptists for the past 17 years is an "incestuous discussion" because no one outside the Baptist denomination is listening.

"I've come here to say that I see the way out for you. We Baptists have been talking among each other in an echo chamber. There is a world out there."

He urged Baptists to enter debate and discussion with people of other beliefs. "If we are going to make it, we're going to have to engage in dialogue. That does not mean we have to give up the essentials of our faith, it just means we have to go deeper. We have to take the Bible back from the experts and the extremists."

— **Scott Collins**
for *Associated Baptist Press*

Court says state may bar some charitable soliciting

The U.S. Supreme Court refused Nov. 18 to overturn a lower court ruling that lets Minnesota bar solicitation of state employees by charities that do not have a "local presence" in the state.

The court rejected an appeal by a coalition of national charities of an 8th U.S. Circuit Court of Appeals decision that upheld Minnesota's rule requiring a "local presence" for charities in order to participate in the State Employee Combined Charitable Campaign.

Since 1992, Minnesota has required that charities participating in the fund-raising drive be based in Minnesota and do most of their charitable work in the state.

Church-State Intersection

GUEST
VIEWS

Stephen Chapman
Syndicated Columnist on the staff of the Chicago Tribune



When a prison inmate files a lawsuit claiming that a new law entitles him to be served a fancy cut of steak once a week in

accordance with his religious obligations, the natural impulse is to assume that the law is even crazier than the inmate. The Religious Freedom Restoration Act, passed in 1993, has produced a wave of nutty litigation. But surprise: It's a good law.

Congress acted after the Supreme Court allowed Oregon to deny unemployment benefits to two drug counselors who were fired for using peyote in an American Indian religious rite. The court said that if a generally applicable law happens to place a severe burden on people of a particular religion, they are sorely out of luck.

The effect was to penalize minority faiths, particularly exotic ones. Mainstream churches have enough adherents that they don't have to worry about legislatures inadvertently outlawing one of their central practices: When alcohol was banned during Prohibition, exceptions were made for sacramental wine. But small churches whose members do odd things like sacrifice chickens generally lack political clout. So they can find themselves prevented by law from practicing their religion.

Congress, seeing the threat, decided that if the Supreme Court wouldn't provide protection for such sects as a matter of constitutional right, it would grant protection as a matter of law. The Religious Freedom act says that if the government puts a burden on the free exercise of religion through an outwardly neutral law, it has to have a "compelling interest." And its regulation can't ban any more activity than necessary to achieve its purpose.

Last year, a district court in San Antonio struck the law down as unconstitu-

tional, but three federal appeals courts have taken the opposite view. The Supreme Court will now decide the issue.

The rule established by RFRA is not new or radical. In fact, until the 1990 Supreme Court decision that led to RFRA, it was the Supreme Court's very own standard.

But critics of RFRA act as if Congress had lost its mind. The biggest complaint is a surge in lawsuits by prison inmates.

It's true that inmate lawsuits demanding religious accommodation are a headache, but inmate lawsuits demanding all sorts of things have long been a headache. A new federal law addresses the broader problem by prescribing penalties for prisoners who repeatedly file frivolous claims. That may soon reduce the volume of lawsuits.

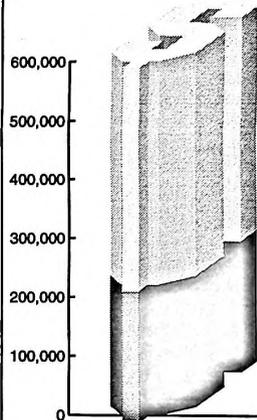
Even those claims that are not ridiculous face an uphill battle. In a recent case, the 7th Circuit Court of Appeals in Chicago dismissed a request by a Muslim sect that its members be provided a special dining place for meals during the holy month of Ramadan. "Prison officials," said Judge Richard Posner, "do not have to do handsprings to accommodate the religious needs of inmates." Where security and safety are at stake, the court said, judges will normally give prison officials the benefit of the doubt.

But absent RFRA, these administrators would have to do virtually nothing to accommodate serious and sincere religious practices by model prisoners. Wisconsin, for example, banned the wearing of religious jewelry such as crucifixes — even if they were too small and flimsy to be used as weapons and even though it allowed rosaries, which could be used as weapons. The 7th Circuit Court of Appeals said the state had to allow jewelry that poses no danger.

That was a perfectly reasonable ruling, based on a perfectly reasonable law. RFRA has been a boon to religious liberty — and no threat to prison order. Δ

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Endowing
the Baptist
Joint Committee



"No gift is too large," a fund-raising friend of the BJC is fond of saying with a wishful smile. When it comes to securing religious liberty, all gifts — large, small and in-between — are important. This year, Baptists of all means are giving to the BJC's endowment fund, helping maintain a trusted Baptist voice for religious liberty.

As you plan year-end gifts, please consider the BJC's 21st Century Endowment Fund.

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- ◆ Seventh Day Baptist General Conference
- ◆ Southern Baptist state conventions/churches

REPORT FROM THE CAPITAL

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Book Review

Toward Benevolent Neutrality: Church, State and the Supreme Court (5th Ed.)

*Robert T. Miller and Ronald B. Flowers,
Baylor University Press, Waco, Texas, 897
pages, \$75.*



Question: What is green, weighs 10 lbs., and contains everything you ever wanted to know about church-state law but didn't know enough to ask? Answer:

Bob Miller's and Ron Flowers' classic casebook on church-state law that has been used by a generation of college and law students. Another question: What is now gray, still 10 pounds but divided in two and costs \$75? Answer: Miller's and Flowers' new and improved revision.

This very helpful work contains only slightly edited versions of every church-state case decided by the Supreme Court of the United States. The book is organized into the classic tripartite division of church-state law: Establishment of religion, free-exercise of religion and church autonomy disputes. Each of those, then, is broken into substantive categories dealing with such topics as tax-exemption, religious symbols on public properties, religion in public education, religion and the right to work, government aid to church-related schools, unequal government treatment of religious groups and religious tests for public service or benefits. Each section of cases is prefaced by several pages of interpretative commentary and perspective on the cases.

The 5th edition was recently released. It includes several old cases not found in the former edition and new cases decided since 1992. It also has a helpful discussion

of the Religious Freedom Restoration Act (1993) and the current challenge to its constitutionality. Moreover, the authors have wisely divided their monumental work into two smaller volumes, making it easier to transport. (I know, because I threw my back out the year-before-last trying to carry the old tome to the class I teach at Georgetown Law Center.)

The new edition also has an expanded appendix. As its predecessor did, it contains two precursive documents to the U.S. Constitution concerning religious liberty: Thomas Jefferson's, "A Bill for Establishing Religious Freedom" and James Madison's "A Memorial and Remonstrance Against Religious Assessments." It also has the full text of the all-important Religious Freedom Restoration Act. Finally, there is a good bibliography, a glossary of legal terms and a table of Supreme Court opinions organized by justice.

This book is not for everyone. Supreme Court decisions are often long and ponderous. And there are a lot of them. Those who want their dose of church-state law boiled down and bite-sized, will get only *physical* exercise from these books. But, for the serious aficionado of church-state studies, it is indispensable. It is convenient to have in one place all the church-state cases the Court has ever decided when one does not have ready access to a law library. And it's a wonderful reference work for researchers, worth every penny of its \$75 price.

Bob Miller — a champion of religious liberty and a good friend of the BJC — passed away July 2. We shall miss his astute scholarship, love for people and respect for the Constitution. Δ

— J. Brent Walker

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