



Historical Commission, SBC  
Nashville, Tennessee

# REPORT FROM THE CAPITAL

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## NewsMakers

◆ Judge Kevin S.C. Chang has struck down Hawaii's ban on same-sex marriages. He ruled Dec. 3 that the state failed to show that the "public interest in the well-being of children and families ... would be adversely affected by same-sex marriage." The Honolulu Circuit Court judge put his ruling on hold while the state appeals the decision, the first legal ruling in the nation to permit same-sex marriages.

◆ Man Thi Jones, a nurse from Sacramento, Calif., who was detained for four weeks in Vietnam for distributing religious materials, has been released from house arrest after her husband paid a \$1,000 fine. Jones, an American Christian who was born in Vietnam, was questioned by authorities after she distributed pens with crosses and Biblical tapes to her relatives.

◆ Ralph Reed, executive director of the Christian Coalition, has drawn fire from Americans United for Separation of Church and State for endorsing a Bible prophecy book that predicts a supporting role for the Vatican in the reign of the Antichrist. An AU press release said Reed's endorsement of the book written by John Wheeler Jr. may hurt efforts to recruit Catholics into the "Christian Coalition political crusade." Δ

## Hill watchers predict replay of church-state battles

Washington observers generally expect more of the same when it comes to church-state issues in the 105th Congress.

Constitutional amendments that critics say would permit government-sponsored religious expression and tax-funded religious activities may be off the agenda, according to congressional aides and church-state experts. But most agree that vouchers for religious schools and charitable choice proposals similar to provisions in the recently enacted welfare reform package will be hot topics.

Charitable choice language in the welfare package, originally sponsored by Sen. John Ashcroft, R-Mo., allows states to contract with religious or other private groups to provide services for the poor.

Although it prohibits use of direct grants for sectarian purposes, including proselytization by the religious organization, it permits such activity when the funds are in the form of a voucher.

Michael Franc, communications director for House Majority Leader Dick Army of Texas, said Republicans will first address issues such as term limits and the budget. But he said GOP leaders also hope to get to "phase two of welfare reform," which he said will include turning to "privately run programs that can provide services to the poor with minimal or no governmental involvement."

Franc expects "sincere efforts to advance the idea of opportunity scholar-

ships," which would provide public funds for students to attend private and parochial schools.

Supporters of adding a religious equality amendment to the Constitution failed

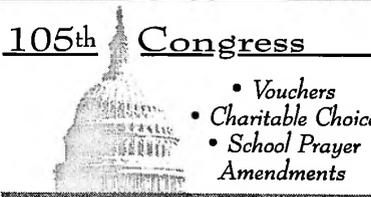
in the last Congress to agree on a specific proposal, and Franc said those differences remain. Forest Montgomery, counsel for the National Association of Evangelicals, described the dispute among con-

servatives over the wording of a constitutional amendment as a "mutual suicide pact." He said, "I don't see any constitutional amendments" in the 105th Congress.

Julie Segal, legislative counsel for Americans United for Separation of Church and State, disagreed. "I expect this Congress to be just as interested in attacking the separation of church and state as the last Congress," she said.

J. Brent Walker, general counsel of the Baptist Joint Committee, predicted that charitable choice provisions will be included in nearly every education and social welfare bill. He added that the most important church-state battle in 1997 will take place at the U.S. Supreme Court, where justices will decide the constitutionality of the Religious Freedom Restoration Act. Congress enacted RFRA in 1993 to make it harder for government to restrict religious practice.

Oliver Thomas, special counsel for reli-



- Vouchers
- Charitable Choice
- School Prayer Amendments

**Q** *What are some general guidelines for public schools to follow during the holiday season?*

**A** Although schools should teach about religion, schools cannot sponsor religious devotions or celebrations. Therefore, a general discussion of the way Christians celebrate Christmas or Jews celebrate Hanukkah is permissible; enlisting students to participate in a Nativity pageant or a play depicting the Hanukkah miracle is not. Additionally, any seasonal activities sponsored by the school should serve an educational purpose for all students. Teachers should ensure that such activities do not make students feel excluded or identified with a religion not their own.

**Q** *Can public school choirs sing religious music during the holiday season?*

**A** Yes, some religious music can be taught and sung during the holiday season as long as it is part of the academic study of music rather than an attempt to promote religious belief. Even if religious music is taught as part of academic study, however, school concerts should avoid programs dominated by religious music. It is not permissible for a public school to play or sing religious music in a devotional setting.

— *Melissa Rogers*

*BJC Associate General Counsel*

## U.S. Supreme Court rejects religious bias disputes

The U.S. Supreme Court refused Dec. 2 to revive religious discrimination claims against the College of Charleston and the American Red Cross.

Left standing was a federal appeals court's rejection of a professor's complaint that the South Carolina college denied him a tenure-track religious studies position because of his religious beliefs. Also left intact was another federal appeals court's dismissal of a lawsuit alleging the American Red Cross refused to certify a California man as an HIV/AIDS instructor because of his religious views.

In the South Carolina case, Donald G. Schley twice applied for tenure-track teaching posts at the College of Charleston. In both cases, the college hired other applicants. Schley filed suit alleging that the state-supported school maintained a policy of discrimination against religious people in general and Christians in particular.

A federal magistrate ruled against Schley in a decision later affirmed by the 4th U.S. Circuit Court of Appeals.

"The evidence discloses that from hundreds of applicants, the selection committees, acting without bias against any candidate on account of religion, chose the most qualified applicants," the appeals court said.

In the California dispute, Herbert Hall sued the Red Cross, raising religious discrimination claims under the First Amendment, the Religious Freedom Restoration Act and civil rights laws.

Hall's complaint alleged that as a member of a Christian ministry, he was offered only "conditional certification" as a volunteer HIV/AIDS instructor under which a Red Cross representative would monitor his presentations for religious content.

But a federal district court and the 9th U.S. Circuit Court of Appeals dismissed Hall's complaint, holding that the Red Cross is not a government actor and therefore not subject to claims under the First Amendment or RFRA.

Lawyers for Hall argued that the Red Cross should be viewed as a government instrumentality subject to constitutional restrictions and RFRA protections. Rejecting that argument, the appeals court said the Red Cross "must perform functions for the United States while remaining an

independent and autonomous organization. This dual role makes it appropriate for the courts to extend the shield of sovereign immunity to some Red Cross activities, but improper to impose constitutional restrictions on others."

## Religious conservatives eye formation of 'values' PAC

A prominent religious conservative says he is forming a political action committee (PAC) to push values issues — such as opposition to abortion and pornography — that he says the political parties have pushed to the sidelines.

"The great danger facing America is not from barbarians at the gates, but the sickness of our own hearts," Family Research Council President Gary Bauer said in remarks at the Heritage Foundation, a conservative think tank.

Bauer said his PAC would be named the Campaign for Working Families.

"Sometime soon the elites of the Republican Party had better find the courage to speak for the values of the people whose votes they count on Election Day," he said. Δ

## CONGRESS

Continued from Page 1

gious and civil liberties for the National Council of the Churches of Christ in the U.S.A., predicted vouchers would not generate as much energy on the national level but agreed that charitable choice provisions will be on the front burner.

"Given the fact that (Robert) Dole campaigned on vouchers and to a lesser extent a school prayer amendment, there will be less momentum for those issues in light of his defeat," Thomas said.

Paul Thornell, adviser to the Senate Democratic leadership, said the addition of Ashcroft to the Judiciary Committee may "up the ante" on the charitable choice issue. He said several measures defeated in the 104th Congress were pushed simply to appease the Christian Coalition.

Montgomery, Walker, Thomas and Thornell voiced hope that a bill introduced in the 104th Congress, the Workplace Religious Freedom Act, would move forward. The measure would require employers to provide greater accommodation for the religious observance or practice of employees. Δ

# Reflections

James M. Dunn

Executive Director



In a popular alternative rock song Joan Osborne wails, "What if God was one of us?"

She got it. The Christmas message: God was one of us in Jesus Christ.

We sometimes forget why we celebrate.

The very carols that symbolize our easy festivity also hold in their shadows the dark side of Christmas. If we listen to the words and take them to heart we are reminded of the need for Christ's coming. If we pay attention —

*Came he to a world forlorn,*

...  
*to save our souls from Satan's power,*

and in the words of Longfellow with blood of brothers flowing during the Civil War:

*And in despair I bowed my head:  
"There is no peace on earth," I said,  
"For hate is strong, and mocks the song  
Of peace on earth, good will to men!"*

I sing them and I agree just as I would with a political pundit, "that's right, this sad sphere is headed straight to hell."

It's easy to go along with *It Came Upon the Midnight Clear's* sturdy realism:

*Yet with the woes of sin and strife  
the world has suffered long,  
Beneath the angel strain have rolled  
two thousand years of wrong.*

Reinhold Niebuhr commented that "the only Christian doctrine empirically verifiable is 'original sin.'" Christmas carols line it out.

But turn the corner. The great chorus from Handel's *Messiah*:

*Since by man came death,  
by man came also the resurrection  
of the dead.*

Jesus Christ is much more than some cosmic, transcendent force like a star of science fiction sitcoms or new age nonsense. He is not simply another great teacher dropping gems of truth, copy for an editor. Nor is the Christ of Christmas a sacred symbol for truth and love, little more than a metaphor.

The point of Christmas is that "God was in Christ," that "The Word became flesh," that in the miracle of the Incarnation God became human. Another carol:

*Veiled in flesh the God-head see,  
Hail the incarnate Deity!  
Pleased as man with men to dwell,  
Jesus our Immanuel.*

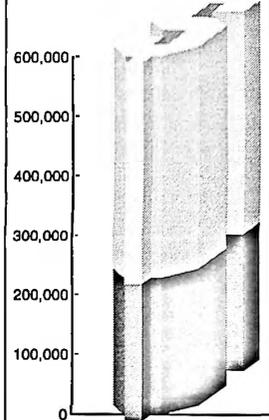
God had tried a garden and several dramatic demonstrations. The Divine had set out commandments and laws and guidelines and explanations. From heaven the Creator had sent plagues and prophets and mighty leaders and schemes, but finally "in the fullness of time" the Incarnation shows us that God could take his own medicine, humanity. God in Christ came on the field to play the game by the rules.

Just as I agree with the songs that show our sorry sinful state, I find myself taking quite literally the words that celebrate his coming and finding joy. From *O Little Town of Bethlehem*:

*The hopes and fears of all the years  
are met in thee tonight.  
O holy Child of Bethlehem!  
Descend to us we pray;  
Cast out our sin, and enter in,  
Be born in us today!*

God was one of us. There is hope. Δ

Endowing  
the Baptist  
Joint Committee



**\$229,000 and climbing —**

That's the latest total of gifts at pledges toward the Baptist Joint Committee's \$600,000 endowment goal.

Free and faithful Baptists are giving for many reasons. A retired Texas Baptist couple recently pledged \$1,600 — noting they were giving \$100 for each of the years John Wesley Baker served the agency. Baker, who died in 1985, was the BJC's first general counsel.

Please add your support to this effort to secure religious liberty into the 21st 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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# Intolerable tyranny

The phrase "school choice" may sound inviting, but it's not. It is particularly not inviting when it refers to the use of vouchers to pay for tuition at parochial schools.

Consider two of the worst evils associated with voucher plans: Using tax monies for school vouchers for religious schools (1) coerces the taxpayer in matters of religion and (2) undermines the basic, essential nature of religion.

These principles apply however government supports religious services. Vouchers for religious schools are a flagrant violation of the principle of separation of church and state and the precursor to additional funding of religious ministries. It is a treacherous first step into deadly quick sand!

It is religious tyranny for both the believer and non-believer, for it compels everyone to support the teaching of religion. From the beginning God has honored our freedom to say "yes" or "no" even to God. Our nature as persons and the nature of religion as a personal relationship between the person and the Person (God) in whose moral, or spiritual, image we were created, is violated. Our basic freedom is thereby denied and compulsion treats us as robots rather than as persons. My church does not compel me to contribute. It teaches me my stewardship responsibility and privilege, but it makes no effort to compel me to give, nor should it. The use of tax monies for parochial schools coerces me and those who have no religious faith. It is an intolerable tyranny!

The other tragedy of using tax monies



to assist churches carry out their ministries is the destruction of the spiritual nature of the church by destroying giving out of love and commitment. If government supports the ministries of my church then I feel no "constraint by

love" (2 Cor. 5:14) to give, for the church really does not need my contribution. Religion is reduced to a state institution, a ritual mechanism. Witness what has happened in countries in which tax monies are distributed among the churches! Behold the churches that are little more than tombs of the dead. See the lack of dynamic influence on the life of the people.

These two truths have been too little emphasized by those who look chiefly at the threat of government control. That, of course, is an inevitable evil of voucher proposals. These other two evils are even more catastrophic, in my view and from my observations of years of familiarity with such conditions in various countries of the world and from the study of church history.

One other horrifying consequence of such religious tyranny (using tax monies for churches) — is the creation of religious animosities and hatreds — and, yes, wars! Witness Northern Ireland, the Middle East, Bosnia. Δ

*Now retired, Joseph B. Underwood served as a missionary to Brazil, a staff member of the New Mexico Baptist Convention, a pastor and as consultant in evangelism and church growth for the Southern Baptist Foreign Mission Board.*

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