

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ **Tiffany Smith**, a sophomore at Carson-Newman College in Jefferson City, Tenn., has begun a spring internship at the Baptist Joint Committee. Smith, a political science major, will earn school credits while working on church-state issues for the religious liberty agency.

◆ **President Bill Clinton** designated Jan. 16 "Religious Freedom Day, 1997." In his proclamation, Clinton said: "America's commitment to religious tolerance has empowered us to achieve an atmosphere of understanding, trust and respect in a society of diverse cultures and religious traditions."

◆ **Christian Coalition Executive Director Ralph Reed** said on ABC's "This Week" that his group would push a "religious freedom" constitutional amendment in Congress. He said he is uncertain about having the votes to pass an amendment in this Congress, but "when we distribute 40 or 50 million voter guides and scorecards in 1998 ... on these issues, I think over a period of Congresses, we'll get in that direction."

◆ **Wisconsin state Judge Paul Higginbotham** struck down a plan to allow religious schools to participate in a school voucher experiment in Milwaukee. He said the plan violates the state's constitutional provisions calling for separation of church and state. Δ

Religious groups ask high court to uphold religious liberty law

Seventy-five religious and civil liberties groups have asked the U.S. Supreme Court to uphold the constitutionality of a 1993 law that limits government's ability to impede the free exercise of religion.

The Coalition for the Free Exercise of Religion argues in a friend-of-the-court brief that Congress acted within its authority in passing the Religious Freedom Restoration Act.

But not everyone agrees that RFRA is constitutional. Enacted after the Supreme Court sharply curtailed legal protections for religious practice in 1990, RFRA has been the target of numerous legal challenges, including one that will be argued Feb. 19 at the high court.

In that dispute Boerne, Texas, is asking justices to invalidate RFRA. Archbishop P.F. Flores of San Antonio filed a religious liberty claim under RFRA after Boerne officials refused to allow St. Peter Catholic Church to expand a building in a landmark preservation district.

A federal district judge sided with Boerne, but a federal appeals court later rejected the district court's finding that RFRA trespassed on judicial authority. The appeals court also said Congress has the authority to expand rights in ways consistent with the Constitution.

In its 1990 ruling in *Employment Division v. Smith*, the Supreme Court ruled that broadly applied laws — such as Boerne's historic preservation law — no longer had to be justified by a "compelling" governmental interest if they happen to interfere with religious practice.

The coalition's brief asks the high court to reject Boerne's argument that RFRA is unconstitutional because it "privileges religion over all other types of beliefs." That argument, the coalition brief states, is an "attack not on RFRA, but on all religious accommodation."

The coalition argues the 14th Amendment empowers Congress to expand constitutional liberties and that federal

lawmakers did not infringe on the role of the courts.

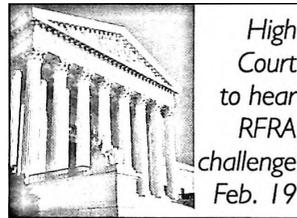
"The courts have the final say on what the Constitution means," the brief states. "In enacting RFRA, Congress did not usurp that role."

An unusually broad spectrum of religious and civil liberties groups are represented in the coalition, initially formed to seek passage of RFRA.

"Once again, one of the most diverse coalitions in recent political history has united to advance religious liberty," said Melissa Rogers, associate general counsel at the Baptist Joint Committee. "It is rare that such a diverse group speaks with one voice at the Supreme Court."

Rogers, who helped draft the coalition's brief, also cited arguments supporting RFRA submitted by state attorneys general from Connecticut, Maryland, Massachusetts, New York, Texas and Virginia.

"These briefs demonstrate that RFRA does not upset the balance of power between federal and state governments and creates a workable standard at the state and local level," she said. Δ



Supreme Court to reconsider *Aguilar* ruling

The U.S. Supreme Court announced Jan. 17 it will reconsider its 1985 ruling that barred government-paid teachers from providing remedial education at parochial schools.

Since the *Aguilar v. Felton* ruling, federally funded remedial instruction for parochial school students has taken place mostly off religious school grounds. The program provides instruction in subjects such as math and reading for economically and educationally disadvantaged students.

Citing the costs of off-campus instruction, New York City public school officials and parents of parochial school students want *Aguilar* reversed. Noting criticisms of *Aguilar* by five current members of the Supreme Court, their lawyers say it is apparent that the "doctrinal underpinnings" of the 1985 ruling "have been eroded by subsequent decisions."

In a decision affirmed by the 2nd U.S. Circuit Court of Appeals, U.S. district Judge John Gleeson said the "life expectancy of *Aguilar* itself is, to put it mildly, subject to question." However, Gleeson denied a motion to lift *Aguilar's* restrictions.

Attorneys for Betty-Louise Felton and others who originally challenged New York's policy opposed efforts to get the Supreme Court to reconsider its ruling. Their reply brief argues that New York officials overstated the expenses and administrative burden of complying with *Aguilar's* mandate. They also argue that allowing classes to be taught on parochial school campuses would create excessive entanglement between church and state and result in impermissible state aid to religious schools. Δ

News & Comment ...

Clinton issues call to end prejudice, partisanship

President William Jefferson Clinton placed his hand on his family's Bible — open to a verse in Isaiah about reconciliation — and took the oath of office for a second term Jan. 20. He called on America and its political leaders to bridge the chasms of prejudice and partisanship.

He acknowledged the political division that portends a legislative stalemate in his second term, but he said Americans expect Republicans and Democrats alike to rise above partisanship.

Leading an inaugural invocation for the eighth time was evangelist Billy Graham. Gardner Taylor, an African-American Baptist pastor from New York City, led the benediction. Taylor lamented the toll race has taken on America, which he said has been "imperiled often by the very richness of its diversity."

Clinton's inauguration coincided with the federal holiday celebrating the birth of Martin Luther King Jr. Clinton recalled the legacy of the slain civil-rights leader, whose message of racial reconciliation he said "moved the conscience of a nation."

"The divide of race has been America's constant curse," Clinton said. "And each new wave of immigrants gives new targets to old prejudices. Prejudice and contempt, cloaked in the pretense of religious or political conviction, are no different."

A day earlier, Clinton and First Lady Hillary Rodham Clinton attended the early Sunday morning worship service at Columbia Baptist Church in suburban Falls Church, Va., where the president's Little Rock pastor, Rex Horne, was the guest preacher.

Horne, whose church has been the target of anti-Clinton protesters and an attempted expulsion from the Southern Baptist Convention, said many Christians are shirking their duty to pray for the government. Whatever the legacy of the Clinton administration, he noted, "It will say more about the prayer life of Southern Baptists than it will the president." (ABP)

Poverty, racial problems raised at prayer service

Speakers at a prayer service preceding the Jan. 20 inauguration of President Bill Clinton and Vice President Al Gore discussed problems of race and poverty and called for an end to partisan bickering

among politicians.

The two-hour service was punctuated by sacred music, prayers, Bible readings and keynote addresses by Baptist preachers Jesse Jackson and Tony Campolo.

Campolo, sociologist and director of the Urban Studies Program at Eastern College in St. Davids, Pa., said the nation should care for its poor.

"To this great president and this great vice president, I say embrace the Lord. ... For the Lord blesses the nation that remembers the poor," said Campolo, known for his ministries among the poor in America's cities and Haiti.

Campolo also called for an end to "the politics of bile," characterized by name-calling and partisan bickering.

"Enough of this accusing, and let us go on together forgiving each other as God has forgiven us," Campolo pleaded.

Campolo said that evil "expresses itself in racism, in sexism, in homophobia, in pornography — and worst of all — in that kind of religion that is arrogantly triumphalistic and dares to say, 'If you don't agree with us, we will persecute you.' There must be an end to this," Campolo stormed.

Campolo continued his trademark animated style to stir the crowd, even receiving a "high-five" from Jackson in the middle of his sermon.

In honor of the day the nation celebrates the birthday of Martin Luther King Jr., Jackson spoke about the slain civil-rights leader's challenges to the country. The head of the Rainbow/PUSH Coalition called King a "drum major for justice," and said King "disturbed the comfortable and comforted the disturbed."

Addressing racial problems, he said, "The problem with keeping someone in a ditch is that you must remain there with them." He said King was no congressman, held no high office, commanded no army, had no personal wealth, "yet he did more to change this country than any single leader in this century."

Jackson encouraged First Lady Hillary Rodham Clinton to not "let lesser men, frightened people, take you from the dream of fighting for health care for all American citizens." He added, "When you would dare to be a giant, don't let ... these little moral midgits pull you down. Stand tall."

Jackson said the only perfect person in history "was killed at the age of 33 by a combination of preachers and government officials." Δ

Reflections

James M. Dunn

Executive Director



Libel by label. That's what T. B. Maston called the hair-trigger name-calling of those who are so quick to curse by classification. Fundamentalists howl when identified as such. Liberals had much rather be called progressive.

Yet, though almost everyone suffers slights and defamation, we have not yet learned to do unto others as we would be done unto.

Brooks Hays contended that we are all both — liberal and conservative. "Like my ol' dog Fergus here. He's conservative when he buries a bone, but liberal when he chases a rabbit." That's right, Brooks.

Most of us have experienced being tagged to our personal puzzlement. In a graduate seminar on biblical authority, I was exposed as a proof-texting conservative. That very evening only 30 miles away in Weatherford, Texas, where I was a pastor I was publicly denounced on the radio as a dangerous liberal because our church had a pingpong table. Oh well, win some, lose some.

One thing that most quick-draw slanders have in common is ignorance. Not necessarily stupidity, just ignorance. *Ad hominem* attacks reveal nothing so much as absence of intelligent argument.

The Baptist Joint Committee, staff, philosophy, position statements and tactics are by any definition "conservative."

The staff and our families are in traditional churches teaching, preaching, singing, cleaning up the kitchen and serving on committees *ad infinitum, ad nauseam*.

The philosophy of the BJC is Bible-based, doctrinally rooted in Baptist distinctives and passionately dedicated to conserving the values of the Constitution and the Bill of Rights.

Our positions on the separation of church and state are the same as those of Dawson, Carlson and Wood, my predecessors. In fact, we can and do recycle and say the same things they said. Some

of the folks who label us "liberal" are the ones who have changed. We mossback conservatives are exactly where Baptists have always been.

When it comes to tactics, we are the cautious ones — not suing, not stunting, not taking to the streets. We are the conservatives.

Yet some haven't caught on. John Armstrong of Chicago has. He writes:

Jim, I suppose I am an odd supporter among the friends of your vital work. I am, quite frankly, thrilled to see more conservative theological leadership in the SBC. At the same time I am distressed by the linkage of theological recovery with untenable and non-Baptist church/state positions. As a theological conservative (of the older sort) and as a confessional Baptist (i.e. a Calvinist who is sorry Baptists left the "old paths") I am at the same time supportive of your vital work.

Nearly 50 years ago, in *Cry the Beloved Country*, Alan Paton described liberal as:

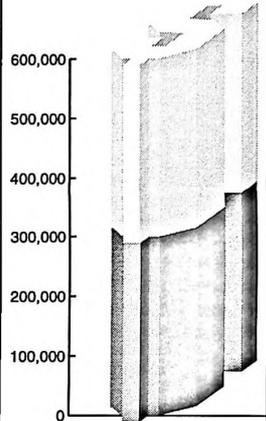
A generosity of spirit;
A tolerance of others;
An attempt to comprehend others;
A commitment to the rule of law;
A high ideal of the worth and dignity of others;
A repugnance for authoritarianism;
and
A love of freedom.

Not bad.

Bill Moyers put it well, as he always does: "If being tolerant of differing opinions, if believing that America has to make it as a pluralistic nation, if being civil, if that makes you a liberal, I plead guilty."

Me too. How about you? Δ

Endowing the Baptist Joint Committee



Securing the future ... a link to the past:

The latest batch of gifts to the Baptist Joint Committee's \$600,000 endowment drive boosted the total of gifts and pledges past the half-way point.

Among the latest contributions was a gift from Byron O. Waterman of Greene, R.I., a direct descendant of Richard Waterman, one of the founding members of the the First Baptist Church in America at Providence, R.I. From the descendant of one of Roger Williams' parishioners, a timely gift to keep Williams' vision alive. Thanks to Byron and all whose gifts support the BJC.

James M. Dunn

Baptist Joint Committee

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REPORT FROM THE CAPITAL

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Moyers receives humanities award

President Bill Clinton called veteran broadcast journalist Bill Moyers a true "20th Century renaissance man" when he and First Lady Hillary Rodham Clinton presented Moyers with one of five awards from the National Endowment for the Humanities.

Moyers received the Charles Frankel Prize for his contribution to public understanding and the humanities.

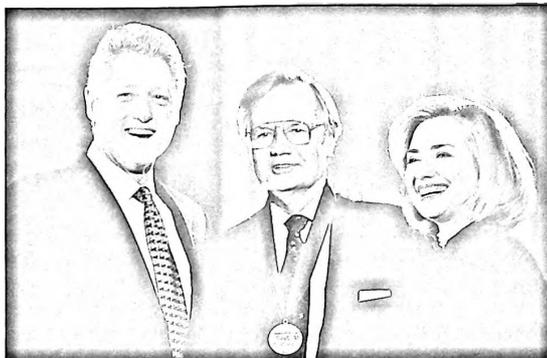
"At a time in which the media often is used to truncate, oversimplify and distort ideas in ways that divide rather than enlighten, the work of Bill Moyers' life is truly and profoundly important and encouraging," Clinton said. He added, "Most important to me, he is a living rebuke to everybody's preconceptions about Baptist preachers."

Moyers told Baptist News Service that his role is very interesting, but minor. "My job is to point the way to the people who truly are the giants," he said.

Moyers said true credit should go to public broadcasting. "Public broadcasting has room for ideas and will give someone, like me, time to take an idea, a story, or a person and develop that ... with patience and with respect for the complexity of ideas," he said.

By contrast, the commercial media is driven "toward the lowest common denominator in which the enemy is brevity," Moyers continued.

In response to Clinton's remarks that he is a living rebuke to preconceptions about



Moyers wears medal presented by President Clinton and First Lady Hillary Rodham Clinton.

Baptist preachers, Moyers said that when "Jerry Falwell, repeatedly on his broadcast, keeps accusing the president of being a murderer, I think the president is delighted to discover that's not true of all Baptist preachers. And Jerry Falwell does not represent most Baptist preachers."

Moyers also addressed recent Baptist controversies.

He said the individual conscience and relationship with God is the core of the Baptist experience. "And no Baptist preacher and no Baptist seminary president and no Baptist tribune can tell me or any Baptist what is our obligation before God," Moyers said. "I don't want to lose the historic Baptist conviction to a bunch of people who are hijacking it for their own ecclesiastical or political reasons."

Moyers is a graduate of the University of Texas and of Southwestern Baptist Theological Seminary. He and his wife, Judith Davidson, reside in New Jersey. They have three grown children. Δ

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