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REPORT FROM THE CAPITAL

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NewsMakers

◆ Montgomery County (Ala.) Circuit Judge Charles Price received the Profile in Courage Award, named after President John F. Kennedy's Pulitzer-Prize winning book, for his decision ordering a fellow Alabama judge to remove a Ten Commandments display from the courtroom. Sen. Ted Kennedy, D-Mass., said that the late president "would be proud that Judge Price stood up for one of the important constitutional provisions."

◆ Barry Lynn, executive director of Americans United for Separation of Church and State, sent President Clinton a letter opposing the possible nomination of former Rep. Lindy Boggs, D-La., to the post of U.S. ambassador to the Vatican. Boggs recently said it would be an "opportunity to serve your country and your church at the same time." Lynn, who opposes the appointment of any ambassador to the Vatican, said that Boggs would be a poor choice because she sees the post as "a combination of religious and civil duties."

◆ Frank Lofaro, executive director of Prison Fellowship of America, recently promoted the nation's first "Christian prison" started in Texas and sponsored by the prison ministry group. Lofaro said Texas was chosen largely because its government leaders are "interested in working with faith-based programs."

Supreme Court strikes down unequal treatment of charities

The tax-exempt status of charities cannot hinge on whether they primarily serve in-state residents, the U.S. Supreme Court ruled May 19.

A Maine law that generally exempts from taxation property owned by charities but effectively denies that benefit to charities serving mostly out-of-state residents, violates the Constitution by interfering with interstate commerce, justices said.

The high court reversed a decision by the Maine Supreme Judicial Court that a summer camp for Christian Science children owed the \$20,000 it paid in property taxes from 1989-1991. More than 95 percent of campers at the Harrison, Maine, facility are from other states.

Writing for the 5-4 majority, Justice John Paul Stevens said the statute "facially discriminates against interstate commerce."

Joined by Justices Sandra Day O'Connor, Anthony Kennedy, David Souter and Stephen Breyer, Stevens said both for-profit and nonprofit organizations are protected by the Constitution's Commerce Clause.

Justice Antonin Scalia, in a dissent joined by Chief Justice William Rehnquist and Justices Clarence Thomas and Ruth Bader Ginsburg, said the Commerce Clause has a more limited reach. He wrote that Maine should be able to excuse from taxation "only that property used to relieve the State of its burden of caring for its residents."

Scalia complained that under the majority's ruling a state cannot provide a property tax exemption for private schools or hunger programs that serve its citizens unless it also exempts private schools and programs serving largely out-of-state clientele.

"These results may well be in accord with the parable of the Good Samaritan," Scalia wrote, "but they have nothing to do with the Commerce Clause."

The court's ruling was hailed by church-state attorneys.

"By striking Maine's law, the court slammed the door against state assaults on the skimpy coffers of charities nationwide," said Steven McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom. "Otherwise, we could have expected revenue-hungry states and cities to tax all but the smallest of charities."

McFarland's organization, which filed a friend-of-the-court brief on behalf of the camps, noted that Christian Camping International's 900 member camps would be faced with annual tax bills of \$22 million if they lost property tax exemption.

"This is good news for all nonprofit groups, including churches and religious organizations," said J. Brent Walker, general counsel of the Baptist Joint Committee. He noted that many denominational camps attract out-of-state campers.

"It is a resounding 'no' to those states that want to whittle away at tax exemption," he said. Δ



High court sides with church camp in tax dispute

Religious
Freedom
Doesn't
Just
Happen

Join the
Religious
Liberty
Council

Plan to attend
the annual
Religious Liberty
Council Luncheon

12:15 p.m.
Friday, June 27
Cochran Room
Galt House
Louisville, Kentucky
Tickets \$15

Contact Karen McGuire at
the BJC to purchase or
reserve tickets or
to obtain information
about joining
the RLC.

News & Comment ...

Bill proposed to combat Christian persecution

Proposed legislation would strengthen efforts to curb the overseas persecution of Christians and others by imposing a variety of economic and other sanctions.

Sponsored by Sen. Arlen Specter, R-Pa., and Rep. Frank Wolf, R-Va., the bill would also create a senior White House position to monitor religious persecution abroad and expedite proceedings for those claiming asylum from persecution.

As offered, the "Freedom from Religious Persecution Act" would impose automatic sanctions if the director of the proposed White House Office of Religious Persecution Monitoring, who would report annually, found a nation guilty of religious persecution.

Religious persecution is defined in the bill as "ongoing and widespread ... killing, rape, imprisonment, abduction, torture, enslavement or forced mass resettlement ... carried out by the government or with the government's support."

The president would have the power to waive sanctions — which include a ban on all exports and non-humanitarian aid to nations guilty of religious persecution — for national security reasons. Additional sanctions include denying visas to officials from offending nations and opposing a country's efforts to gain international development loans or join the World Trade Organization.

Last year, the White House established a Special Advisory Committee to the Secretary of State on Religious Freedom Abroad. The 20-member panel is looking at global religious persecution.

The bill drew immediate support from a broad range of religious activists.

Rabbi David Saperstein, executive director of the Religious Action Center of Reform Judaism, said that "when God's children are imprisoned for praying, then Americans must speak out."

He added that the helping hand extended by non-Jews to Russian Jews when they faced persecution in the former Soviet Union compels Jews to support the Specter-Wolf legislation.

'Also supporting the bill are the Christian Coalition, the Family Research Council, the International Fellowship of Christians and Jews, the National Association of Evangelicals, Evangelicals for Social Action, the Traditional Values Coalition and International Christian Concern.



Banished again

The 3,000-pound statue of religious liberty advocate Roger Williams is removed from the Capitol Rotunda to clear the way for a statue depicting suffragettes Susan B. Anthony, Lucretia Mott and Elizabeth Cady Stanton. Plans call for the suffragettes statue to be in the Rotunda for a year before it is replaced by another statue supporting women's rights. However, Sen. John Chafee, R-R.I., has introduced a resolution that would return the Roger Williams statue instead. Williams founded Rhode Island after being banished from Massachusetts Bay Colony.

Russian Orthodox win case against new religions

A seven-week-long court case in Russia ended with a landmark decision that an "anti-sect" brochure did not libel new religious groups in the nation.

The case centered on a brochure produced by Alexander Dvorkin of the Russian Orthodox Church's education department. The brochure warns against the dangers of such "totalitarian sects" as the Church of Scientology, the Unification Church, Jehovah's Witnesses and the Hare Krishna organization and details their recruitment practices.

Lyudmila Saltykova, a Moscow judge, said that the brochure "expressed an opinion, and the sources that (Dvorkin) used gave him the right to speak those words."

Reflections

James M. Dunn

Executive Director



More troubling than the rude words of the Christian Coalition leader (see box) are his crude concepts and worse, their near-universal acceptance.

Although no one I know wants to be caught saying strong stuff, many merely mealmouthedly go along with the little man's mindset. I've heard the same ideas from the razor-cut, designer-suited crowd at the country club. Dr. Jordan may have done us a favor by giving us a glimpse of the religious right slogans:

That this is a Christian nation.

Wrong! Not historically, not constitutionally, not morally. It's hard to make the case that this nation is Christian. Billy Graham has consistently spoken up against exactly what the Christian Coalition has become. Back in 1981 he said, "I don't want to see religious bigotry in any form. It would disturb me if there was a wedding between religious fundamentalists and the political right. The hard right has no interest in religion except to manipulate it." Well, the wedding bells rang. The honeymoon is over. And now the extreme right-wing politician and the often unwitting believer are an old married couple.

Roger Williams, founder of Rhode Island, hooted at the Christian nation notion. "The sword may make a whole nation of hypocrites, but it cannot bring one single soul in genuine conversion to Christ."

Thomas Jefferson echoed the truism that the only effect of official religion was to make one-half of the world fools, the other one-half hypocrites.

That government must help religion.

Wrong! Whether posting Ten Commandments, prescribing prayer or propping up religious schools, it's popular to think the state has a role in religion. That's exactly where compulsion comes in. Oh, it's not the literal "sword" that Roger Williams feared, but coercion is involved when my tax money (taken by law) is used to advance anyone's

faith, even mine. Coercion is involved when captive audiences must be exposed to explicit religious exercises. Note:

Under mandatory school attendance laws all public school kids are captive audiences. Any prop from government is a millstone hung about faith's neck.

That the majority decides. Wrong! If one supposes the problem of government control is resolved by saying "let the students vote," then it is clear how ignorant of the American experiment in freedom that one is. Haven't you heard it since primary school playground? "My-jar-eh-tee rewls! My-jar-eh-tee rewls!" in some Gomer Pyleish provincial twang.

Well, it doesn't. We have a rule of law. The Bill of Rights is concretely counter-majoritarian.

The mistook Mr. Istook offers this flaccid defense for his amendment to the Constitution.

When pressed about how his "Religious Freedom Amendment" would actually play in a particular place, he says, "the majority would decide." That won't work. Not if freedom of religion is for everyone.

How bizarre that anyone should think he could "worship, honor and glorify Jesus Christ" by calling common life Christian, allowing government to meddle in religion or advocating that might makes right.

That would not please the Jesus I know. Δ

Official Rejects Non-Christians

■ COLUMBIA, S.C.—A state Board of Education member, talking about displaying the Ten Commandments in public schools, had a ready suggestion for groups who might object to it.

"Screw the Buddhists and kill the Muslims," Henry Jordan said during the board's finance and legislative committee meeting. "And put that in the minutes."

The remarks made Tuesday were expunged from the written minutes, but were recorded on tape. The (Columbia) State obtained the tape under the Freedom of Information Act.

Jordan, a surgeon who failed in a bid to get the Republican nomination for lieutenant governor in 1994, said he did not mean for his comments to be taken literally. He plans to offer a proposal at the next board meeting to allow students to vote to display the commandments at their school and to pay for it with private money.

"What I want to do is promote Christianity as the only true religion," Jordan said. "This nation was founded to worship, honor and glorify Jesus Christ, not Mohammed, not Buddha."

Washington Post: 5-17-97

Baptist Joint Committee

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- ◆ American Baptist Churches in the U.S.A.
- ◆ Baptist General Conference
- ◆ Cooperative Baptist Fellowship
- ◆ National Baptist Convention of America
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- ◆ 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 Review

Religion in Politics: Constitutional and Moral Perspectives

Michael J. Perry, Oxford University Press,
168 pp., (1997).



The United States is one of the world's most religious and religiously pluralistic countries. It is no surprise that the propriety of religious discussion in political

discourse is hotly debated. In his book, *Religion in Politics*, Michael J. Perry presents a scholarly analysis of this issue. He examines the use of religious arguments in politics by inquiring into constitutional law and moral suitability.

Perry's constitutional inquiry recognizes dual norms that have developed in our First Amendment jurisprudence. First, the nonestablishment norm refers to the First Amendment's clear principles regarding the separation of church and state and the prohibition on government's establishment of religion. Second, the free exercise norm protects an individual's right to exercise his or her religion free from government intrusion. Perry finds these two norms sometimes to be antagonistic when tested in the political arena.

The author contends that politicians rely too heavily on religious arguments in debating an issue without seeking to articulate a plausible secular argument. This troubles Perry because it allows politicians to presuppose the validity of one religion over another when passing legislation. He concludes that when politicians rely solely on religious arguments, they violate the nonestablishment

and free exercise norms by endorsing one religious tenet over another.

Perry next attempts to answer the question about the proper role of religious arguments in public political debate. His goal is to convince non-believers that there is a proper role for religiously-based discourse in the struggle for answers to difficult questions. Perry argues that it is important that religious arguments are offered in public political debate because it allows the arguments to be tested. Religious arguments play a vital role in evaluating human conduct, because religious traditions have established fundamental principles of human conduct.

The author then, next addresses fellow religious believers on why it is necessary for religious arguments to also be supported by plausible secular arguments. Perry uses this debate to convince fellow Christians that it is precisely because of a Christian understanding of the fallenness of humanity that religious argument should be supported by a secular argument. He defends this by stating, "Any government committed to the non-establishment of religion would not base policies on solely religious premises, therefore it is vital that a plausible secular argument be offered."

Religion in Politics is a well-thought-out analysis of why it is important that modern discussion be shaped by a respect for diversity in a religiously pluralistic country. Perry's commentary makes a compelling case for the morally proper role of religion in politics and the respect that should be given to people of differing faiths.

— Jonathan Converse
BJC Intern

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