



JUL 02 1997
Nashville, Tennessee

REPORT FROM THE CAPITAL

Volume 52, No. 12

June 17, 1997

NewsMakers

◆ Three Baptists from Texas and North Carolina are serving as summer interns at the Baptist Joint Committee. Ginger Elliott recently graduated from Rice University in Houston, where she studied sociology and urban policy. Sonia Hoffman is a junior at Howard Payne University in Brownwood, Texas, studying communications and social sciences. Cherise Pruette is a graduate of the University of North Carolina-Charlotte, where she studied political science and journalism.

◆ Mother Teresa, the 86-year-old Roman Catholic nun who has dedicated her life to serving the world's poor and dying people, recently received the Congressional Gold Medal. In accepting the award, Mother Teresa spoke about the "unwanted, unloved, uncared for people" served by her order, the Missionaries of Charity.

◆ The Rev. Troy Perry, founder of the Universal Fellowship of Metropolitan Community Churches, says he will hold a mass wedding for homosexuals on the Alabama Capitol steps if the legislature passes a bill to impose a \$1,000 fine on ministers who perform same-sex marriages. Perry said he was amazed that elected officials would endorse legislation that "so obviously violates the constitutional separation of church and state." △

New Jersey city rebuffed in bid to keep religious holiday displays

The U.S. Supreme Court turned away a New Jersey city's bid to display a Christian Nativity scene and a Jewish menorah in front of City Hall.

Without comment June 9, the high court left standing a 3rd U.S. Circuit Court of Appeals ruling that the Jersey City holiday displays unconstitutionaly endorsed religion.

The American Civil Liberties Union and four city residents challenged the city's three-decades-long practice of displaying a creche during the Christmas season and a menorah during the Jewish holiday of Hanukkah.

Siding with the ACLU, a federal district court initially barred the city from erecting the religious displays. Despite the district court's order, city officials put up the displays in 1995, but added four-foot-tall plastic figures of Santa Claus, Frosty the Snowman and a red wooden sled.

The district court then ruled that the addition of the secular symbols brought the displays into compliance with the First Amendment.

But the appeals court disagreed, saying the additional symbols did not remedy the displays' endorsement of Christianity and Judaism.

The appeals court analyzed Jersey City's displays in light of a 1984 Supreme

Court ruling that upheld a winter holiday display in Pawtucket, R.I., and a 1989 ruling that struck down a Nativity scene prominently displayed at the Allegheny County, Pa., Courthouse.

The Pawtucket display, owned by the city but situated in a private park, included a creche, a wishing well, a Santa Claus house, a Christmas tree, reindeer and other secular symbols. The high court concluded that the display did not advance or endorse religion.

In the Allegheny County case, the high court struck down a creche displayed on the Grand Staircase of the county courthouse. Citing its location at the seat of county government, the high court said the display unconstitutionaly endorsed religion.

The appeals court noted that the Supreme Court rulings repeatedly emphasized "the importance of examining the context of the display at issue to determine whether it has the effect of endorsing religion."

Jersey City's display of the creche at the "seat of city government power impermissibly conveyed a message of government endorsement of religion," the appeals court said. "And, in our view, the City's addition of Santa, Frosty, and a red sled did little to secularize that message." △

"The Free Exercise Clause guarantees the citizen's right to celebrate the season's religious origins. This right is reinforced by the Establishment Clause, which prevents the government from imposing its religious will upon its citizens."

— 3rd U.S. Circuit Court of Appeals
January 13, 1997

Supreme Court sidesteps dispute over home worship

The U.S. Supreme Court refused June 9 to disturb decisions by lower courts ordering the village of Airmont, N.Y., to revise its zoning code to protect worship in homes.

The action against the village's zoning policies was initiated by the federal government in 1991. The government filed a Fair Housing Act claim alleging that the village was formed to exclude Orthodox Jews by imposing restrictions on residential worship, a primary method of Orthodox Jewish worship.

A federal district court ordered the village to avoid promoting religious discrimination and to revise its zoning code to protect residential worship services. In affirming that ruling, the 2nd U.S. Circuit Court of Appeals said the district court did not abuse its discretion or misapply the law.

Lawmakers propose school vouchers for D.C.

House Majority Leader Dick Armye, R-Texas, and Sen. Dan Coats, R-Ind., have introduced legislation that would provide low-income parents in the District of Columbia with taxpayer-financed "scholarships," or vouchers, to send their public school children to religious and private schools in the D.C. area.

"Private schools work," Armye said. "They provide opportunities that are absent in too many District public schools and it is my hope that more low-income children in the District of Columbia will have an opportunity to attend the best schools."

Under the plan, \$45 million over the next five years would be used to provide up to \$3,200 in tuition for as many as 2,000 students.

Voucher opponents said the plan is unconstitutional. Barry Lynn, executive director of Americans United for Separation of Church and State, called the proposal a "disgraceful distraction" from efforts to find real solutions to the problems of inner-city public schools.

Coalition will help workers make transition, keep jobs

Vice President Al Gore announced the creation of a coalition of religious groups and community organizations to help welfare recipients make the transition from welfare to work.

The Welfare-to-Work Coalition to Sustain Success will work with state governments and private businesses to identify available resources and provide support and mentoring that new workers need to adjust to the workplace.

The coalition has 18 charter members, including the Baptist Joint Committee, the Christian Life Commission of the Baptist General Convention of Texas and the Woman's Missionary Union.

Gore said officials have learned that "the transition from welfare to work is far more complicated and difficult than some had thought."

In addition to finding jobs, Gore said a second challenge facing welfare recipients is making sure they have "the skills and the support that they need to keep those jobs."

Studies show that large numbers of welfare recipients lose the jobs they get

within 12 to 16 months, Gore said.

A WMU spokeswoman said that the women's group is involved primarily because of the Christian Women's Job Corps formed by the WMU in 1993. Trudy Johnson, WMU special projects manager, said that the program "changes the lives of women who are struggling to provide a better life for themselves and their children."

Phil Strickland, director of the Texas Christian Life Commission, said the program is "an appropriate enabling relationship between the government and religion. This is not funding ministry. This is helping to link needs and resources," Strickland said.

Gore told Baptist News Service that "there are no church and state concerns whatsoever here. This is not a program where the federal government is passing an appropriation. There are, in fact, programs that already have appropriations where civic groups and religious organizations qualify to participate.

"But this is about groups of people in congregations pairing up, five and six at a time, with a welfare family, making a commitment for a year or more to help that family meet the needs that must be met in order to make the transition into the workplace."

Church arson report finds no broad-based conspiracy

A year of joint efforts by the U.S. Departments of Treasury and Justice has helped lead to the arrests of almost 200 suspects in the spate of fires over the past few years that destroyed or damaged houses of worship across the country.

In a report released recently by a church arson task force, officials also said they detected no broad pattern of conspiracy in the fires.

On the first anniversary of the creation of the National Church Arson Task Force, its co-chair said 199 suspects have been arrested in connection with 150 of the task force's 429 investigations of arsons, bombings or attempted bombings of houses of worship since 1995.

A total of 110 defendants have been convicted in connection with fires at 77 houses of worship since January 1995.

Task force officials found that there may have been some small, regional conspiracies behind some fires but not a broad-based conspiracy.

Church-State Intersection

J. Brent Walker

General Counsel



Within the next several weeks the U. S. Supreme Court will rule on two very important church-state cases. One involves the constitutionality of public school teachers offering students remedial instruction on parochial school campuses. (See *Report from the Capital*, April 22, 1997.) We have received several calls from pastors posing a similar facilities-use question: Whether, and under what circumstances, churches may lease space to public schools when they run short of space in public school buildings.

The answer is that such arrangements can be constitutional. When, because of extraordinarily high enrollment or during renovation of facilities, public schools need additional classrooms, they may be permitted to rent facilities from churches. There should be a specific written agreement that spells out the responsibilities of the church and the school in a way that minimizes potential problems of entanglement between church and state. Further, the arrangement needs to incorporate the following limitations:

(1) The rented space must be free of religious symbols and other emblems that suggest that the state or the teachers are communicating or endorsing a religious message. In the classroom the symbols should be removed, not just covered up. Also public school students must not be required to march through the sanctuary to get from the classroom to the lunchroom or from the lunchroom to the playground.

(2) The church must not control or dictate the method or content of the teaching. In a word, the space generally must be given over completely to the public school to be used for public education as it sees fit.

(3) This relationship between a church and the public schools should be tempo-

rary, rather than permanent or indefinite.

A federal court in Massachusetts has ruled directly on these issues. In *Spacco v. Bridgewater School Department*, 722 F. Supp. 834 (D. Mass. 1989), *settled*, 739 F. Supp. 30 (D. Mass. 1990), a Catholic parish had leased space to the local public school system. Among other things, the lease provided that the school was not to use the facilities in any manner inconsistent with the teaching of the Roman Catholic Church and was required to defer to the teaching and authority of the Archbishop of Boston. The children were also exposed to numerous religious symbols. Although crosses and other symbols in the classroom were draped with cloth, that only piqued the students' interest. Finally, a parish priest periodically greeted students as they entered the building.

The court ruled this practice unconstitutional under the First Amendment's Establishment Clause. The court reasoned that the arrangement had the effect of endorsing religion. It also impermissibly delegated to the Catholic church governmental power to define aspects of the public school curriculum — a core governmental function. As such, the arrangement resulted in excessive entanglement between church and state.

As with most church-state relationships, it is difficult for either party to have its cake and eat it too. If churches want to rent out space to public schools, they must do so in a business-like, arms-length manner that will inevitably compromise their rights as religious institutions to operate a certain portion of their physical facilities autonomously. If willing to give up these rights, as long as other potentially entangling elements are minimized, a church can consider such an arrangement. However, it should do so with its eyes open and a knowledgeable attorney at its side. Δ

Quoting

The Court states ... to those who have asked the Court by phone calls, individual and multiple signature letters, and post cards "to save the Ten Commandments," all of whom the Court respects, that the Ten Commandments are not in peril. They are neither stained, tarnished nor thrashed. They may be displayed in every church, synagogue, temple, mosque, home and storefront. They may be displayed in cars, on lawns and in corporate boardrooms. Where this precious gift cannot and should not be displayed as an obvious religious text or to promote religion is on government property (particularly in a courtroom).

—Excerpts of opinion by
Judge Charles Price
Montgomery County
(Ala.) Circuit Court
ordering Judge Roy Moore
to remove Ten
Commandments display
from an Etowah County
courtroom

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 Confer.
- ◆ 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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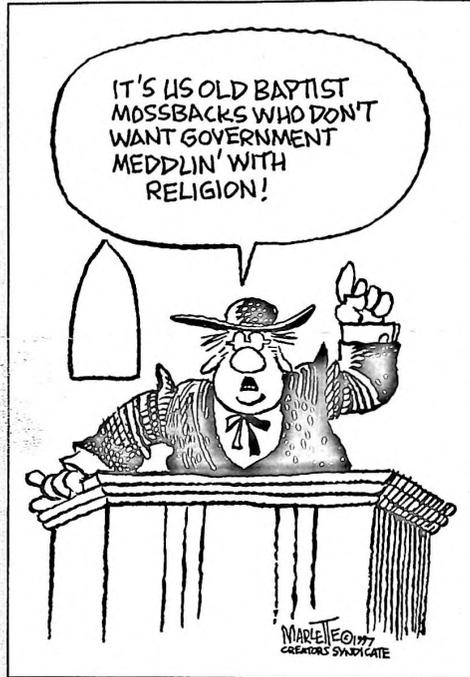
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Book Reviews

REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee. Single subscriptions, \$10 per year. Bulk subscriptions available.

What's your MQ?



To find out your "mossback quotient" read writer B. Shurden's *How We Got That Way*.

Copies of Dr. Shurden's address are available from the Baptist Joint Committee. For a single copy, send the BJC a self-addressed No. 10 envelope with 55 cents' postage. Multiple copies are available for 25 cents each, plus shipping.



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