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REPORT FROM THE CAPITAL

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NewsMakers

◆ Rep. Sanford Bishop, D-Ga., said he would favor changes in the text of a proposed constitutional amendment by Rep. Ernest Istook, R-Okla. Bishop, a co-sponsor of the Istook plan, said the right to "acknowledge God" should be changed to the right to "religious liberty." He also said it may create an unwanted political debate to keep the text's provision that would allow religious groups equal access to "benefits."

◆ Alieze Stallworth, a member of the District of Columbia PTA, said that a recent Senate hearing on vouchers for private and parochial schools was unfair since only two of nine witnesses opposed such plans. She told lawmakers that public funds for religious schools are unconstitutional. "Society would be taking a giant step backward to allow public money to finance schools that discriminate against students on the basis of gender, religion or disability," she said.

◆ Alexander Bulekov, a Russian Orthodox Church spokesman, predicted a measure passed by the Russian Duma to restrict the activities of non-traditional religions will eventually pass, despite the recent veto of Russian President Boris Yeltsin. "We are counting on the president to note that this law was supported by both the right and left in parliament," he said. Δ

State Department report details Christian persecution

A congressionally mandated State Department report spotlights Christian persecution around the world and highlights U.S. efforts to promote religious freedom abroad.

The 83-page report details instances of persecution in such places as China, the Sudan and Iran. It describes Saudi Arabia as a country where "freedom of religion does not exist." Russia is characterized as a nation whose overall climate for religious freedom has improved but is now threatened by legislation that would impose new restrictions on religious groups.

The report's country-by-country analysis focuses largely on Christian persecution. But officials emphasized the administration's commitment to pursuing religious liberty for people of all faiths as a basic human right.

President Clinton said the report will "help shine a spotlight on the serious problem of religious intolerance and persecution."

In the report's foreword, Secretary of State Madeleine Albright highlights last year's establishment of a 20-member Advisory Committee on Religious Freedom as an attempt by the agency to better understand religious persecution. She has instructed U.S. diplomatic posts to give more attention to religious liberty issues.

Last year, as part of an omnibus appropriations bill, Congress ordered a report showing how the United States is working "to reduce and eliminate today's mounting persecution of Christians throughout the world."

In releasing the report, John Shattuck,

assistant secretary for democracy, human rights and labor, said that at the request of Congress, it focuses on Christians.

"But I want to stress ... that the administration policy and our actions around the world support religious freedom globally and apply to all religions and beliefs," he added.

Several conservative lawmakers and groups have called for more attention to Christian persecution.

"I think it's a real landmark and it will

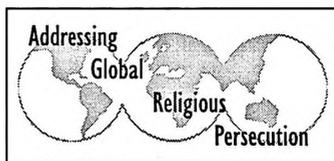
have an impact, because it singles out Christians for the first time," said Nina Shea of Freedom House, one of the groups pushing lawmakers for more efforts to curb Christian persecution.

"It will send a signal within the government that this is an issue of urgency and help sensitize the foreign policy bureaucracy who have been notoriously tone deaf to the issue of religious persecution, particularly as it pertains to Christians," Shea added.

While applauding the emphasis on promoting religious freedom, a Baptist religious liberty specialist expressed reservations about the mandated focus on Christian persecution.

"This administration is correct in its commitment to religious freedom for all," said James M. Dunn, executive director of the Baptist Joint Committee. "All instances of religious persecution should be our concern."

Dunn said, "Real Baptists from Roger Williams until today have fought as passionately for religious freedom of those with whom they disagreed as for the faith of their own family." Δ



Agency issues policy for Title I program in parochial schools

In light of the U.S. Supreme Court's decision to allow tax-funded remedial education on private school campuses, the U.S. Department of Education has released guidelines for school officials implementing the federal program.

The high court recently ruled that a New York City Title I program that provides educational help to disadvantaged children could take place in religious schools, discarding its own 1985 decision.

The July 18 guidelines state that the program may be provided in private schools under "safeguards" that existed before the 1985 decision. Among the safeguards listed are requirements that:

- ◆ only public employees can serve as Title I instructors.

- ◆ assignment of public school teachers should be made without regard to their religious affiliation.

- ◆ all religious symbols are to be removed from spaces used for Title I services.

- ◆ Title I personnel should not introduce religious matter into teaching.

The guidelines say that the court has not explicitly required the safeguards, but they are "factors a court is likely to take into account in reviewing any services in private schools."

News & Comment ...

Yeltsin vetoes legislation restricting religious liberty

Russian President Boris Yeltsin vetoed a law that would have placed sharp curbs on evangelicals, Catholics and other minority religious groups in Russia.

He said the law, passed overwhelmingly by the Russian Duma and supported by the Russian Orthodox Church, violated the Russian Constitution.

Concerns about the Russian measure were expressed by President Clinton, U.S. lawmakers and Pope John Paul II.

In addition, the U.S. Senate recently approved a provision that would have barred spending \$200 million earmarked for Russia if the measure had become law. The Senate measure bars the funds if any law is enacted in Russia that would discriminate against religious minorities.

The vetoed law was not directed at Russia's established faiths — Orthodoxy, Islam, Judaism and Buddhism. But newer, smaller religious groups would have faced registration requirements and would have had to wait up to 15 years to gain legal status allowing them to own property or have bank accounts.

Religious groups and lawmakers applauded Yeltsin's action.

"All those so eager to arm-twist Mr. Yeltsin for his veto should now communicate their appreciation to him for this most courageous act," said James M. Dunn, executive director of the Baptist Joint Committee.

Sen. Alfonse D'Amato, R-N.Y., chairman of the Commission on Security and Cooperation in Europe, welcomed Yeltsin's veto.

"I have on various occasions been critical of Mr. Yeltsin and his government," D'Amato said. "However, to give him credit, he has consistently stood up for religious freedom for all believers in his country. His stand this time was especially courageous."

At a briefing sponsored by the Helsinki Commission, Lawrence Uzzell predicted that the Russian Duma would not override Yeltsin's veto.

Uzzell, Moscow representative of the London-based Keston Institute, which monitors religious life in the former Soviet Union, said that the Russian parliament is not as powerful as the U.S. Congress. "It is rare for the president to lose such fights," he said.

Uzzell warned Americans against claiming credit for the veto. "Yeltsin was

true to his own conscience in this," he said. While the measure to bar U.S. aid to Russia had a "positive role" in getting the veto, Uzzell said it could lead Yeltsin's opponents in the Duma to charge that he "is in the pockets of Americans."

He predicted, however, that Russians will soon have less religious freedom, because he expects local provinces to pass measures restricting minority religions.

Former Justice Brennan, 'friend of freedom,' dies

Former Justice William J. Brennan Jr., a major force in shaping U.S. constitutional law for more than a third of a century, died July 24, following a long illness.

Brennan was 91, and his legacy on the bench included more than 1,200 opinions. When he left the bench in 1990, he had significantly molded the high court's views in support of individual liberties, particularly in the areas of free speech, civil rights and voting rights. He was a strong opponent of the death penalty.

For Brennan, who was appointed to the Supreme Court by President Dwight Eisenhower in 1956, the Constitution was a living document.

"For the genius of the Constitution resides not in any static meaning that it has in a world that is dead and gone, but in its adaptability of its great principles to cope with current problems and current needs," he wrote in 1966.

Brennan authored three significant church-state decisions. Most notable is his 1963 decision in *Sherbert v. Verner* that government needs a "compelling" reason to justify restrictions on religious liberty. He was among four dissenters in the court's 1990 *Employment Division v. Smith* decision that largely abandoned the "compelling interest" test.

In 1985, he wrote the ruling in *Grand Rapids v. Ball* which said remedial and enrichment classes provided at taxpayer expense in religious schools violated the separation of church and state. Two years later, he wrote in *Edwards v. Aguillard* that a Louisiana law that required schools teaching evolution also to teach creation science violated church-state separation.

"Justice Brennan's view of church and state was almost always right on target," said J. Brent Walker, general counsel at the Baptist Joint Committee. "He had a robust view of free exercise while making sure to keep government neutral in matters of religion." Δ

Reflections

James M. Dunn

Executive Director



It started in the Garden of Eden. That's the way C. Emanuel Carlson saw the beginning of the human hankering for freedom. "God gave them a choice."

Dr. Carlson, executive director of the Baptist Joint Committee from 1954-1971, so described the consistent view of this agency regarding religious freedom as a universal human right. It's still puzzling and troubling to hear would-be champions of religious freedom fragment it, as if full-throated freedom and restrictive repression of any faith could coexist side by side.

The Baptist Joint Committee has never been proprietary. We are not and have never been interested in advancing our own advantage, but religious liberty is our agenda.

When anyone's religious freedom is denied, everyone's religious freedom is in danger. You may have missed that message when the U.S. State Department issued an 83-page report spotlighting the global persecution of Christians.

One evangelical leader limply explained that "it's because of the constituencies we represent" that some of us communicated "that it's only Christians and only evangelicals (that we care about)." He went on to say, "Please forgive us if we came across that way." My heavens, I'd hope so.

On the one hand every authentic Christian constituency should care passionately about full freedom of choice in all matters of faith for all human beings. On the other hand, the true constituency for any friend of freedom should be all believers in every faith no matter how foreign that belief is to our own.

But then, the failure to grasp the breadth and depth of religious freedom is not unusual. Many who mouth the words and tinker with the laws related to religious liberty have never caught a vision of universal, whole-cloth, pervasive freedom. Religious liberty is not a concession of human beings. It is a gift of God.

Take Rep. Istook (R-Okla) for instance. His proposed Religious Freedom Amendment would, in his own words, be applied "locally," — which being interpreted means by the prevailing majority in a particular place. Freedom is never really free when it depends upon the mood of the majority at the moment. That's precisely why we have a counter-majoritarian Bill of Rights. Nope, I'd still rather be Madisonian than Istookian.

Then there are those, believe it or not, who call themselves professional theologians who slight the Garden of Eden story. They, in their particular purity, virtually ignore the sort of freedom with which humankind was endowed when made "in the image of God."

They contend that real freedom is reserved for the redeemed. Surely no believer will deny the existence of a higher spiritual freedom for those with a faith experience. Yet, there is a universal freedom that "started in the garden," a fundamental human right that comes with creation. That political freedom which every mortal is entitled to expect and demand is always on our agenda.

On this month's report, President Clinton said he "vigorously condemns persecution against any believer and all faiths." We're with you, Mr. President.

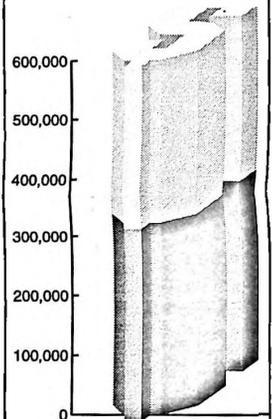
We're with you because religious freedom is rooted not in a philosophical ideal or an ancient right or any Constitution or democracy or theology or church or even the Bible, but in the very nature and being and personhood of God in Whose image all mortals are made.

Each of us is wired up for freedom, pre-programmed that way. Our software demands it.

We are all free and responsible. Our choices have consequences. Our decisions imply duties.

Ask Adam and Eve. It started in the Garden of Eden. Δ

Endowing the Baptist Joint Committee



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- ◆ Southern Baptist state conventions/churches

REPORT FROM THE CAPITAL

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Davis, others oppose Istook amendment

Rep. Ernest Istook, R-Okla., faced a barrage of questions from lawmakers who are skeptical about his proposal to amend the Constitution.

The Religious Freedom Amendment would allow some forms of school-sponsored prayer and government-endorsed religious speech. It would also grant religious groups equal access to public "benefits," paving the constitutional path for school vouchers and other plans to aid religious groups.

But lawmakers at a July 22 House Constitution Subcommittee hearing wanted to know how minority faiths would be protected under the measure.

Lawmakers and witnesses at the hearing said that current law protects much of what amendment supporters are seeking.

Rep. Chet Edwards, D-Texas, said God has not been taken out of public places. He said the proposal creates a dilemma of allowing either full censorship of prayers or allowing all religions access to school-sponsored prayer.

After quoting from a satanic passage, Edwards said, "I absolutely do not want my two young sons someday exposed to this satanic devotional ... or Branch Davidian prayers in my hometown."

Derek Davis, director of the J.M. Dawson Institute of Church-State Studies at Baylor University in Waco, Texas, said the measure is "very ambiguous."

He said the Istook proposal would perform "radical surgery" on the First Amendment. "Religious minorities would be crushed under the weight of Christian majoritarianism." State govern-

ments, "acting for the people, could declare Texas to be a Baptist state, Utah a Mormon state and the U.S. a Christian nation," he said.

Davis also said religion would be "trivialized" because prayers would be spoken without the ability of meaningful discussion to occur.

The Istook plan would permit government to "coerce, control and compromise religion," said religious and civil liberties groups in the Coalition to Preserve Religious Liberty. "Whose prayer be prayed? Whose faith groups get more days



"It is never God's work to ride the back of government to advance a religious message."

— Derek Davis

for their prayer? Who will assign prayer opportunities?" asked a written statement from the group.

Lawmakers peppered Istook with questions about the proposal.

Chairman of the House panel, Charles Canady, R-Fla., asked if a nativity scene could be placed on government property without any secular symbols.

Istook said that his plan, which allows people to recognize religious heritage on public property, would remove the need for a secular balance in such displays.

Witnesses also criticized a provision in the proposal that would bar government from denying a "benefit" due to religion.

Davis said that "religions with less political clout would be denied their share of the pie."

Timothy McDonald, senior pastor of Iconium Baptist Church in Atlanta, said that "instead of religion helping to bring us together, religious conflict would drive us apart." Δ

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