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# REPORT FROM THE CAPITAL

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## NewsMakers

◆ Sen. John Ashcroft, R-Mo., announced plans to introduce legislation that would extend "charitable choice" to all federally funded programs. Charitable choice, which was part of last year's welfare reform, makes pervasively religious groups such as churches eligible for government grants on the same footing as other private and religiously affiliated groups. "Government alone will never cure our societal ills," Ashcroft said.

◆ Roman Catholic Bishop Su Zhimin, a prominent leader of the underground church movement in China, has been detained by the Chinese government after 17 months in hiding, according to a U.S.-based Catholic organization. The underground Catholic movement swears allegiance to Rome and refuses to register with the Chinese government. Δ

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- 3 Istook amendment likely to fail
- 4 Veteran journalist sees disarray at high court
- 5 Shattuck cites dangers in persecution bill
- 7 Vouchers: A cautionary tale
- 8 High court rejects church-state disputes

## BJC opposes Istook amendment, seeks changes in persecution bill

Board members of the Baptist Joint Committee spoke out Oct. 7 against the proposed Religious Freedom Amendment and private school vouchers, called for changes in a proposed bill targeting religious persecution abroad and asked Congress to enact new legislation to guarantee religious liberty as a "fundamental right" in the United States.

Those actions came in statements adopted during the BJC's annual meeting Oct. 6-7 in Washington, D.C. The board also elected new officers and adopted a budget for 1998.

One resolution opposed the Religious Freedom Amendment to the U.S. Constitution proposed by Rep. Ernest Istook, R-Okla. The proposal would use tax dollars to fund religious enterprises and would allow for "religious coercion" in public schools, the resolution states.

"This amendment is dangerous and unfaithful to our Baptist heritage," the resolution states.

"Government-sponsored prayer in the classroom and government-endorsed religious expression in public places are inherently coercive and would relegate religious minorities to the status of out-

siders and second-class citizens if they did not participate in worshipping the god of the majority," it continues.

Government funding of religion "violates the conscience of taxpayers who rightfully expect the government to remain neutral in religious matters," the resolution also states.

Government subsidies for religious institutions diminish the "independence and integrity" of religion, it notes, because the state "always seeks to control what it funds."

James M. Dunn, BJC executive director, said the idea that a religious majority would impose its faith on minorities "is what really scares me."

"The whole idea of the First Amendment is counter-majoritarian," Dunn said.

In discussing the statement, which was unanimously adopted, directors noted that some BJC groups also have close ties with the National Association of Evangelicals, a key supporter of the amendment.

"There is going to be a lot of confusion among our constituency," warned Ray Swatkowski of Arlington Heights, Ill., and a representative of the Baptist

Aidsand Wright-Riggins III  
Chair



Jim Arends  
First Vice Chair



Kevin Butler  
Second Vice Chair



June McEwen  
Secretary

## Quoting

The fact that we are created in the image of God means among other things that we respond to God as free agents. This "soul freedom," of which Roger Williams so eloquently spoke, must issue in voluntary religion — uncoerced and unaided by any civil or ecclesiastical authority.

Jesus Christ is our great high priest. In the words of Williams, "All authority has been given to Christ the Lord." We do not need, nor do we welcome, anyone other than Jesus Christ standing between the rights of conscience and God.

... This commitment to religious liberty and these theological precepts have led Baptists to oppose governmental aid to religion in general and to elementary and secondary religious schools in particular. Authentic religion must remain wholly unmolested, uncoerced and unassisted. It must depend for its support on the persuasive power of the truth it proclaims, not the coercive power of the state. Using tax dollars to fund the teaching of religion is, in Thomas Jefferson's words, both "sinful and tyrannical" and belies our created nature, our commitment to Christ, and the creative work of the Spirit.

— Excerpts of statement approved Oct. 7, 1997, by directors of the Baptist Joint Committee

## News & Comment ...

### House approves voucher initiative

By a one-vote margin, the U.S. House of Representatives approved a funding bill that includes a controversial education voucher plan after House Speaker Newt Gingrich prolonged a vote to shore up supporters.

The House passed the District of Columbia appropriations bill on a 203-202 vote after the GOP leadership convinced four members to change their votes. Gingrich extended the 15-minute vote to about 40 minutes and some lawmakers reportedly were rushed back from the airport to vote.

Under House rules, votes may be extended at the chair's discretion.

The voucher plan in the D.C. funding bill would provide up to 2,000 "scholarships" to help low-income parents pay tuition at private and parochial schools.

Before the Oct. 9 House vote, Gingrich said that "thousands of children today in the nation's capital, at \$10,000 a child, are being cheated. They are being cheated by the politicians, they are being cheated by the unions, they are being cheated by the bureaucracy."

He said, "What this vote is about is whether or not 2,000 children have a chance to go to college and not go to jail."

President Clinton has signaled he will veto the bill over the voucher issue.

The Senate Appropriations Committee approved the bill without the voucher plan attached to it, but the Senate has yet to pass the bill. Senate voucher proponents failed Sept. 30 to limit debate on whether the voucher plan should be added to the D.C. measure.

During the House's consideration, a substitute amendment offered by Rep. James Moran, D-Va., failed 197-212. It would have substituted the Senate appropriations committee version of the D.C. funding bill for the House bill.

Del. Eleanor Holmes Norton, D-D.C., said that "a voucher by any other name is still a voucher, and until D.C. residents vote again on this issue, this body cannot impose vouchers without wiping away each and every claim they have to American principles of democracy."

She said proponents of vouchers and other controversial provisions in the funding bill have a simple strategy. "Find a jurisdiction that cannot fight back and simply impose their will, like any old dic-

tatorship."

Religious and other groups are divided over the idea of channeling public money to religious schools through voucher plans. Groups such as the Christian Coalition, Family Research Council, National Association of Evangelicals, Evangelicals for Social Action and Christian Legal Society support the inclusion of religious schools in plans that provide public money to private schools.

But others say vouchers violate the separation of church and state. Included in this group are the Baptist Joint Committee, National Council of the Churches of Christ in the U.S.A., Religious Action Center of Reform Judaism, People for the American Way, Americans United for Separation of Church and State and others. Δ

### Court orders church to turn over tithes

A state judge in Texas has ruled that a Baptist congregation must relinquish tithes contributed by a church member who filed for bankruptcy.

Judge Tom Sullivan of Harris County Civil Court ruled that Cedar Bayou Baptist Church in Baytown must give a creditor four years of tithes donated by church member Leland Collins.

Cedar Bayou Church has voted to appeal the ruling, which awarded creditor Bill Gregory \$27,687.33 — the amount Collins gave to the church from Oct. 15, 1988 to Oct. 13, 1992 — plus interest.

Gregory's company, Gregory-Edwards Inc., sued Collins and two other former employees in 1990, claiming they had been overpaid by \$90,000.

Gregory-Edwards won that case, and Collins declared bankruptcy to protect personal assets including his home, vehicle and retirement accounts.

The judge's ruling hinged on the contention that Collins made his contributions to the church "without receiving a reasonably equivalent value in exchange."

The church turned down several offers to settle the case, because a settlement would have violated the congregation's convictions regarding church-state separation, Pastor Richard Steel said. "This case is not about bankruptcy," he said. "This case is about religious liberty, about the First Amendment to the Constitution of the United States." Δ

# Constitutional amendment likely to fail, Canady says

The Religious Freedom Amendment, which would write new religious protections into the U.S. Constitution, probably won't pass in the House of Representatives, according to the chairman of the subcommittee handling the amendment.

"This is one that right now isn't going to make it," Rep. Charles Canady, R-Fla., said of H.J. Res. 78, introduced last May by Rep. Ernest Istook, R-Okla. Canady is chairman of the Constitution subcommittee of the House Judiciary Committee.

Proponents say the Istook amendment is necessary because the U.S. government — particularly the court system — has overstepped its authority in restricting religious practices, such as school prayer, and has denied aid to religious schools. Critics say the amendment is unnecessary and would have undesirable consequences, such as allowing state governments to endorse one religion over others and forcing taxpayers to support religious institutions.

Amendment supporters include the Southern Baptist Ethics and Religious Liberty Commission, the Christian Coalition and the National Association of Evangelicals.



Rep. Charles Canady  
Chair  
House Subcommittee  
on the Constitution

Opponents include the Baptist Joint Committee, the National Council of the Churches of Christ in the U.S.A. and various Jewish and Muslim groups.

"I think the amendment, possibly changed, will pass the subcommittee and full committee sometime next year," said Canady. "I think it will be on the floor of the House and it will fail to pass the House by the requisite two-thirds majority. I think its going to be difficult to put together the votes for that effort."

Speaking to Baptist Joint Committee directors, the conservative Florida congressman did not say whether he supports or opposes the amendment. Canady said he is supportive of Istook's concerns for religious liberty but is not a co-sponsor of the amendment.

He noted that constitutional amendments are intentionally difficult to pass.

"The founding fathers very wisely put in place mechanisms that make it difficult to change the basic document. This is one that right now isn't going to make it." Δ

— Greg Warner  
Associated Baptist Press

# Administration officials urge voucher opposition

America will soon enter into a "great debate" over the future of public education and also has the "best opportunity in a generation" to change the current campaign finance system, said a top Clinton administration official.

White House Director of Communications Ann Lewis addressed Baptist journalists and Baptist Joint Committee directors Oct. 6. Both Lewis and Terry Peterson, counselor to Secretary of Education Richard Riley, voiced opposition to the push for private and religious school vouchers.

Peterson identified voucher supporters as those frustrated with the pace of improvement in public schools, those who do not believe in public education and those who believe children should be brought up in religious schools with tax support.

According to Peterson, Clinton and Riley see vouchers as "nonsolutions." Consensus is needed to move forward and improve education. Vouchers will tear up a community and will destroy consensus, he said.

Lewis said voucher proponents have a two-part



Ann Lewis  
Communications  
Director,  
The White House



Terry Peterson  
Counselor  
to the Secretary  
of Education

approach to public education — "vouchers, which is taking tax dollars out and then you walk away." She said the administration favors more investment in public schools, public school choice and higher standards for public education.

"We urge people to think about all the kids. The common school is one of the few places people come together to learn," Peterson said.

Lewis described the 1993 Family and Medical Leave Act as a "signature act" of the Clinton presidency and previewed an upcoming conference on childcare.

"Right now, I can get more information about buying a car than I can about health care for my child," Lewis told the group. "We believe in giving people the tools they need to meet their responsibilities," she said.

In response to questions about campaign finance reform, Lewis advocated two specific measures: a cap on "soft money," or donations to political parties not for direct use in campaigns, and offering free television time for candidates, which she said would greatly reduce the need for raising large sums of money. Δ

# Denniston: Religion rulings in 'profound disarray'

The U.S. Supreme Court is in a state of "profound disarray" on issues of religion and the First Amendment, according to a veteran reporter covering the court.

"Religion cases are very heavy labor for this court. There is no part of its work that so certainly ties it in knots as do the cases testing the meaning of the First Amendment's Establishment Clause and Free Exercise Clause," said Lyle Denniston, a reporter for the *Baltimore Sun* who has covered the Supreme Court for nearly 40 years.

"In this sector of First Amendment law, the court's doctrine is in a state of profound disarray," he said. "The court finds it nearly impossible to develop consistent patterns of constitutional reasoning in this area."

Denniston spoke Oct. 5 to Baptist journalists during a briefing sponsored by the Baptist Joint Committee. The briefing was held at Riverside Baptist Church in Washington.

As one illustration of his point about doctrinal disarray on religion cases, Denniston cited the confusing status of the so-called "Lemon test."

This test, created by the Supreme Court in 1971 as a means for weighing Establishment Clause cases, asks three questions to determine whether a government action is permissible. The test says government action is permissible if: (1) government acts with a primarily secular purpose; (2) the action's primary effect neither advances nor inhibits religion; or (3) the action does not create excessive entanglement between government and religion.

"For a good many years, that seemed to work fine as a constitutional rationale," Denniston explained. "But more recently, no one can be sure whether the Lemon test survives, in what form it survives or what might replace it if it were to be cast aside explicitly."

"No observer of the court knows, when any new Establishment Clause case arises, whether the court will or will not use the Lemon test. It continues to be under very heavy attack from Justice Antonin Scalia, and his aggressiveness has made most of the other justices wary about their continuing embrace of the formula."

Denniston said the court sometimes appears ready to replace the Lemon test with a "coercion" test — that government acts unconstitutionally toward religion only when it coerces someone to believe or not believe a tenet of religion. Then at other times, he said, the court appears ready to replace Lemon with an "endorsement" test — that government acts unconstitutionally toward religion only when it seems to be lending an official stamp of approval or disapproval to a religiously motivated practice.



Lyle Denniston  
Supreme Court Reporter  
The Baltimore Sun

"But neither formulation seems able to attract a majority of five justices," he explained. "And in fact, the idea of abandoning the Lemon test altogether never has commanded five votes."

The court's conflicting view of the Establishment Clause and religion cases also explains "why the court has lately been making a mess of the controversy over school prayer, and why it is displaying such a reluctance to return to that issue in new cases," Denniston suggested.

The court's disarray has resulted in lower courts taking differing positions on student-initiated prayers in public schools, he said, noting that the 5th Circuit Court of Appeals has allowed them, the 9th Circuit Court has forbidden them and the 11th Circuit Court has allowed them only at graduation ceremonies.

monies.

"This clearly is a constitutional question that cries out for resolution by the Supreme Court, yet it refuses to get involved," Denniston said.

He argued that the court has refused to get involved in such cases because it "simply does not trust itself to 'get it right' should it take on that question."

Denniston said an unnamed justice told him last year that until it appeared likely the court could speak with clarity on this issue, that justice never would vote to hear another school prayer case.

On the other side of the First Amendment, the court also reflects confusion over the Free Exercise Clause, Denniston said.

To illustrate, he cited a chain of events that have occurred since the court's controversial 1990 decision *Employment Division vs. Smith*. In that case the court abandoned use of a so-called "compelling interest" test, which said government must have a compelling interest before it may restrict the free exercise of religion.

That decision, which most religious bodies in the United States have criticized as taking away constitutional protection shielding religion from government regulation, sparked congressional action to adopt the Religious Freedom Restoration Act as a cure.

However, the Supreme Court in its last term ruled RFRA unconstitutional in a case called *Boerne vs. Flores*.

Some critics of the *Smith* decision saw the *Boerne* case as an opportunity for the court to revisit the *Smith* decision and overturn it. Instead, the court ignored the concerns about the *Smith* decision and invalidated RFRA, saying Congress had no right to pass legislation to counter a Supreme Court decision.

The division of the court shows up clearly in the *Boerne* decision, Denniston said. "There definitely are three justices who believe strongly that the court was wrong in 1990 in the *Smith* decision ... But it would

have taken the votes of five for the court even to consider overruling *Smith*, and it was clear the effort to garner those five in the *Boerne* case had been made but fell short."

In a question-and-answer session after his speech, Denniston said he does not see the *Smith* decision being overturned anytime soon. "The only way *Smith* will be taken down is to get new personnel on the court or pass a constitutional amendment spelling out the pre-

*Smith* view," he said.

No current justice is likely to retire within the next two years, and Congress is not likely to pass a constitutional amendment of any nature, he predicted. Δ

— Mark Wingfield  
Editor

*Western Recorder*

*Weekly news journal of the Kentucky Baptist Convention*

## Shattuck: Persecution bill would do more harm than good

Something needs to be done about the growing problem of religious persecution worldwide, a top State Department official said Oct. 6, but legislation to impose U.S. economic sanctions on offending governments is not the solution, he said.

To automatically impose sanctions on governments that allow persecution would have "a severe negative impact" on religious freedom, said John Shattuck, assistant secretary of state, Bureau of Democracy, Human Rights and Labor at the State Department.

The Freedom From Religious Persecution Act, introduced in Congress by Rep. Frank Wolf, R-Va., and Sen. Arlen Specter, R-Pa., would impose sanctions on nations that condone religious persecution.

But Shattuck said the "one-size-fits-all" approach of the Wolf-Specter bill would nullify other methods of influencing governments and prompt "retaliation" against persecuted faith groups. He proposed changes to make the bill more acceptable.

The issue of religious persecution has "skyrocketed" to a much higher place on the State Department's agenda in recent years, Shattuck said.

The United States can have a role in reducing such persecution, he said, "but we need to do it in a way that helps the people we want to help, rather than make the situation worse."

Particularly in places like the Sudan, Egypt, China, Tibet and the Middle East, sanctions would only bring more persecution, Shattuck said. As in the case of Egypt, he added, it may not be the government causing the problem but the larger society. Punishing those governments would weaken their ability to make improvements, he said.

On a recent visit to a house church in China, Shattuck said, Christians told him a strong response from the United States would jeopardize the freedoms they have earned.

The Wolf-Specter bill would impose immediate sanctions on several Middle Eastern countries and harm the Middle East peace process, Shattuck added.



**John Shattuck**  
Assistant Secretary of State  
Bureau of Democracy,  
Human Rights and Labor

The bill — H.R. 2431 and S. 772 — has other weaknesses, Shattuck said. It would create a "hierarchy of human rights" by elevating religious persecution over other human rights violations, and it would set up a "bureaucratic struggle" within the U.S. government by creating a special White House office to monitor religious persecution.

Shattuck suggested several amendments that would make the bill more acceptable to the Clinton administration. Instead of automatic sanctions, the bill should authorize a "range of options" that could be pursued against offending countries, saving sanctions for a last resort. And instead of creating a new White House office, the bill should direct more funding to existing agencies.

Proponents of Wolf-Specter say such changes — particularly restricting sanctions — would seriously weaken the bill. Sanctions are needed to show the United States is serious about human rights violations, said Richard Land, president of the Southern Baptist Ethics and Religious Liberty Commission. "Lack of State Department action creates a climate susceptible to persecution," Land said.

The Wolf-Specter bill was scheduled for consideration by a House committee Oct. 9, but that action was postponed.

Shattuck noted religious persecution has worsened worldwide since the end of the Cold War. The "global instability" that followed the fall of communism has unleashed religious hatreds, and — as in Bosnia — many political leaders are stimulating religious conflict to further political objectives, he said.

Among the responses of the State Department, he said: Secretary of State Madeleine Albright has told U.S. ambassadors to monitor religious persecution in their countries more closely; the administration has counseled U.S. companies doing business overseas to employ business practices that serve the cause of religious freedom; and the problem of persecution has been highlighted through broadcasting outlets like Radio Free Europe. Δ

— Greg Warner

## Abernethy cites challenge in accepting pluralism



Taking on one of the most under-reported beats in journalism, veteran newsman Bob Abernethy has launched a new weekly news program on religion and ethics. Abernethy described the creation of *Religion & Ethics Newsweekly* to Baptist editors and BJC directors. Funded by grants from the Lilly Endowment, the program airs on a growing number of Public Broadcasting System affiliates. (Check local affiliates for availability.)

Addressing America's religious diversity, Abernethy said, "Accepting pluralism, moving beyond tolerance to acceptance, is the challenge."

Asked whether movements such as the Promise Keepers signal a religious revival, he said, "I'm not sure it is a religious revival. I would say we are living in the midst of a spiritual seeking" occurring "within religious groups and at all levels in all traditions." Δ

### BJC, Continued from Page 1

General Conference.

"We believe the amendment is misnamed," noted BJC chairman Dwight Jessup of Upland, Ind. Although it purports to protect religious liberty, "it could end up denying it," said Jessup, dean of Taylor University and a representative of the Baptist General Conference

In another resolution, the BJC board opposed government aid to "religious elementary and secondary schools" through tuition vouchers. Citing the agency's historic religious liberty stance, the resolution says authentic religion should be "unmolested, uncoerced and unassisted" and must base its support on "the persuasive power of the truth it proclaims and not the coercive power of the state."

Another resolution applauds recent attention to the problem of worldwide religious persecution but raised concerns that a particular bill before Congress would be ineffective in its current form.

The BJC board commended Sen. Arlen Specter, R-Pa., and Rep. Frank Wolf, R-Va., for introducing the Freedom From Religious Persecution Act to address the problem. The resolution urges, however, that any final legislation:

- ◆ View all forms of religious persecution equally, and "refrain from any hint" that persecution against one religious group is more or less important than another.

- ◆ Define persecution broadly enough to protect both "overt and subtle" limitations to religious freedom.

- ◆ Treat religious persecution in the broader context of human rights, avoiding a "hierarchy" of human rights abuses.

- ◆ Impose sanctions only after other avenues have been exhausted.

- ◆ Expand the State Department's existing human-rights work by creating an "ambassador-at-large" position for religious freedom.

- ◆ Provide better reporting and training of U.S. personnel to be on the lookout for religious persecution.

- ◆ Provide more provisions for asylum of victims of religious and human-rights persecution.

Dunn and others said such changes would make the Wolf-Specter bill acceptable. "Now there is a pretty hopeful spirit that there will be a good religious persecution bill," he told board members.

"To oppose religious persecution of Christians without showing sensitivity to other religious groups that might be persecuted does not make sense and is not Baptist," he added.

In the fourth resolution, the BJC board asks that steps be taken to "ensure that religious liberty is once again recognized as a fundamental right" in light of the U.S. Supreme Court's June 25 ruling that struck down the 1993 Religious Freedom Restoration Act.

The court ruled that Congress exceeded its authority in passing the law allowing governments to substantially burden the religious exercise of persons or institutions only for a "compelling" reason.

The resolution calls the invalidation of RFRA "a frontal assault" on religious liberties. It asks Congress to pass a new federal law to protect religious exercise under its power to spend, regulate commerce and provide remedies under the 14th Amendment. It also asks states to pass their own versions of RFRA and calls for reversal of *Employment Division vs. Smith*, a 1990 Supreme Court decision that reduced religious protections under the First Amendment.

Earlier, Rep. Charles Canady, R-Fla., told BJC directors the best solution is for Congress to use its spending power to require states to accept a strict interpretation of the First Amendment.

Since Congress approves many bills that dispense federal funds to the states, Congress should "attach strings designed to protect religious freedom," said Canady, chairman of the Constitution subcommittee of the House Judiciary Committee.

Canady cautioned against legislation that challenged the Supreme Court's authority. "I don't think we will advance the cause of religious liberty by getting in the court's face," he said. "We would lose that conflict."

Board members also approved a strategic planning committee, which will recommend agency goals for the next five years, and adopted a budget of \$849,551 for 1998, a 1.7 percent increase over the revised 1997 budget. Revenue comes from supporting Baptist bodies, donations from churches and individuals, and other sources.

Elected as chair of the BJC was Aidsand Wright-Riggins III, executive director of National Ministries, American Baptist Churches in the U.S.A. First vice chair is Jim Arends, pastor of Shady Grove Baptist Church in Gaithersburg, Md., and a representative of the North American Baptist Conference. Second vice chair is Kevin Butler, editor of the *Sabbath Recorder*, a publication of the Seventh Day Baptist General Conference. Secretary is June McEwen of Chattanooga, Tenn., representing the Religious Liberty Council. Δ

— Greg Warner and Bob Allen  
Associated Baptist Press

# Church-State Intersection

**Melissa Rogers**

Associate General Counsel



Pastor Robinson was not looking forward to the planning meeting for the new academic year of the First Baptist Church Christian Academy. Ever since the school became a participant in the voucher program, these meetings consisted mostly of filling out various new government forms regarding the school. They had to fill out forms to disclose how the voucher money was spent, the school's planned curricula and how it fit into state and federal educational goals, credentials of personnel, etc. He did not mind spelling out this information, he just hated having to do it for the government.



The voucher plan sounded great at first — more students, especially disadvantaged ones, would be able to attend their uniquely Christian school, they were told. That was their dream. Unfortunately, reality was a little different.

Once the voucher plan was established family after family called the church ready to use their new voucher, only to find that the voucher constituted only a fraction of the total tuition payment for the academy. Many of these families could not begin to make up the difference. Pastor Robinson tried to raise money to help close the gap, but he could do so only for a handful of the many prospective students.

Moreover, Robinson was having a more difficult time than ever raising money to support the school. The congregation used to give so generously to the academy. Now half the congregation had grown apathetic, thinking that the government was picking up the tab. The other half simply did not want to give to a school that they had lost so much con-

trol over. Just the other day, a church member said that the academy seemed more and more like any other school that was bound by government rules and regulations.

But the planning meeting wasn't the worst prospect for the school's coming year, thought the pastor. No, that had to be the day he was scheduled to appear before the oversight committee of the state legislature to ensure that his school would continue to be one of the select few to be part of the voucher program.

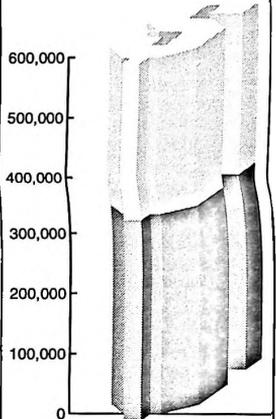
Times were tough — the public coffers certainly were not bulging over. There were at least 20 new religious schools that wanted to be part of the voucher program and the 10 religious schools already part of the program were begging for a larger per-pupil voucher.

So, he had to make his sales pitch to elected officials who had their various reasons for supporting him. The chair of the committee wasn't his favorite politician. Pastor Robinson felt chagrined as he recalled that he recently had to bite his tongue to avoid speaking against the chair's position on welfare reform and immigration. Robinson couldn't help but fear that this criticism might jeopardize the school's spot in the voucher program.

Funny how there were no Muslims on the committee and that new Islamic school was always told that there just wasn't enough money to go around for their program — maybe next year, legislators said. Frankly the whole thing made him a little sick to his stomach.

Pastor Robinson and the First Baptist Church Christian Academy are only figments of my imagination. However, if any of the new voucher proposals become law, Pastor Robinson's experience may become all too real. Δ

## Endowing the Baptist Joint Committee



**\$333,000 and climbing —**

"Baptists were far from passive observers in their quest for religious freedom. They got that way on issues of conscience because their convictions issued into activity. To say something is one thing; to act on what your say is quite another thing. Actions confirm and deepen rhetoric. You believe it more once you do something about it.

"... If we love freedom, we are going to have to unite with the Baptist Joint Committee and push — HARD!"

— **Walter Shurden**  
in *How We Got That Way: Baptists on Religious Liberty and Separation of Church and State*

## 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
- ◆ National Baptist Convention
- ◆ 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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# High court rejects church-state cases

A handful of church-state disputes were among hundreds of cases the U.S. Supreme Court cleared from its docket Oct. 6, mostly by refusing to review them.

In a partial exception to that pattern, the high court vacated a federal appeals court's decision that sided with a prisoner's claim under the Religious Freedom Restoration Act of 1993.

In June, the Supreme Court invalidated RFRA, which required government to have a compelling reason for laws or policies that substantially burden religious practice.

Inmate John Mack complained in a federal lawsuit that Illinois prison officials substantially burdened his religious practice by refusing to accommodate the religious needs of Muslim prisoners.

A federal district court accepted prison officials' argument that their policies were an inconvenience but not a substantial burden to Mack's religious practice. But the 7th U.S. Circuit Court of Appeals said the district court's narrow definition of substantial burden would force judges into the role of determining which religious practices are mandatory for believers.

Illinois officials asked the Supreme Court to reverse the appeals court decision. In their Oct. 6 order, justices returned the case to the federal appeals court for reconsideration in light of the high court's invalidation of RFRA.

In other actions, the high court:

- ◆ refused to review a federal appeals court decision upholding commencement prayers at a state university.

The dispute began in 1995 when a law professor James Tanford and three students sought to stop a 155-year-old prac-

tice of including prayers at commencement ceremonies at Indiana University's Bloomington campus.

Attendance at the ceremonies is voluntary. In 1995, approximately 5,000 of the 7,400 graduating students attended the event at the school's football stadium, along with 25,000 to 30,000 guests.

The appeals court contrasted the university's policy with a Rhode Island middle school graduation practice invalidated by the Supreme Court in 1992. Unlike the Rhode Island practice, the university's policy involved "no coercion — real or otherwise — to participate," the appeals court said.

- ◆ declined a civil rights claim filed by a manager who was dismissed after sending letters to co-workers criticizing their lives.

Lower court rulings rejected religious discrimination claims by Charita Chalmers, a manager at Tulon Co.'s service center in Richmond. She was dismissed after writing letters to two co-workers critical of their lives and beliefs.

- ◆ left intact refusals by lower courts to remove a minor child from the foster home of two homosexual males. John Doe, father of the 14-year-old boy, argued that the placement of the boy in the foster home is inconsistent with the tenets of the Catholic faith.

- ◆ sidestepped a property dispute involving the Roman Catholic Diocese of Pittsburgh and former members of two local parishes closed by the diocese. Former members filed suit seeking to assert rights to real and personal property of St. Michael's Church and Immaculate Conception Church, but two Pennsylvania courts said they lacked standing to sue. Δ

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