



REPORT FROM THE CAPITAL

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NewsMakers

◆ **C. Welton Gaddy**, pastor of Northminster Church in Monroe, La., has been elected president of Americans United for Separation of Church and State. "Keeping a wholesome distance between the institutions of government and religion benefits both," Gaddy said. U.S. Sens. **Dale Bumpers**, D-Ark., and **Edward Kennedy**, D-Mass., were presented AU's Madison-Jefferson Awards during the group's 50th National Conference on Church and State.

◆ **Alabama Attorney General Bill Pryor** is seeking to block enforcement of portions of a federal court order barring state-sanctioned prayer in public schools. Pryor said the state will appeal parts of U.S. District Judge **Ira DeMent's** Oct. 29 ruling that blocked vocal prayer, Bible devotionals and scripture readings in public school classrooms. Pryor also announced that **Jay Sekulow**, chief counsel for Pat Robertson's American Center for Law and Justice, will assist in the appeal.

◆ **Evangelist Billy Graham** met with Chinese President **Jiang Zemin** shortly before the end of the Chinese leader's eight-day visit to the United States. Graham kept most details of the meeting private but said the two discussed religious freedom and other human rights issues in China. Δ

Voucher initiatives fail in first session of Congress

Despite repeated attempts, lawmakers concluded the first session of the 105th Congress without enacting legislation that would allow tax dollars to help pay religious school tuition.

Congressional leaders tried to use various legislative vehicles to enact education vouchers, an initiative Republican leaders put at the top of their agenda to reform public education. While supporters of vouchers won some votes, they failed to win final approval of any voucher measure before Congress adjourned Nov. 13.

Needing to approve several appropriations bills before leaving town, lawmakers agreed to remove a controversial voucher proposal that was holding up a spending bill for the District of Columbia.

Under an agreement, the Senate approved the D.C. funding bill without the voucher plan but passed the voucher measure in a separate bill on a voice vote.

A filibuster by voucher foes had stalled the D.C. voucher proposal in the Senate.

The House is expected to take up the D.C. voucher plan, now separate from the D.C. bill, during the next session of Congress. President Clinton is expected to veto the measure if it reaches his desk.

Sen. **Ernest F. Hollings**, D-S.C., thanked Clinton in advance for his expected veto of the free-standing D.C. voucher plan if it passes the House.

"I believe that we have a duty as public servants to fund the public schools,

and we have a duty to the private schools to leave them alone," Hollings said. "I support private schools. About nine out of 10 of them are religious, and I particularly support their freedom to stay that way without federal intervention."

Another House voucher proposal failed Nov. 4 on a 228-191 vote. The "Help Empower Low-Income Parents Scholarships Amendments" (HELP) would establish the first nationwide program to provide vouchers for private and parochial schools.

The HELP plan was taken from the "American Community Renewal Act," which failed to get a House vote this year. It would provide tax incentives for up to 100 low-income "renewal communities" that enacted a voucher program.

J. Brent Walker, general counsel of the Baptist Joint Committee, said that "the fact that Congress, with the consistent support of key leaders, has been unable to pass a voucher bill, shows how radical a proposal it is."

"But I'm sure they will press for passage next session," he added.

Congress also failed to move another proposal designed to boost funds available for private/religious elementary and secondary schools. The measure passed the House but proponents failed to halt a filibuster in the Senate. Sponsored by Sen. **Paul Coverdell**, R-Ga., the bill would have allowed expenditures from tax-favored education savings accounts Δ



"We have a duty to the private schools to leave them alone."

— Sen. Ernest F. Hollings

WHEREAS the Bible teaches that tithing is a part of the Christian's worship; and

WHEREAS we believe that financial contributions received by churches become church property to carry out the churches' mission; and

WHEREAS we believe that such contributions given over a period of time to one's church should not be subject to the legal demands of a creditor to whom a church member is said to be obligated; and

WHEREAS for the first time in Texas, a court has ruled that a church member receives nothing of "equivalent value" when he or she tithes, therefore making one's tithes subject to recovery from the church by a creditor in a bankruptcy lawsuit, as in the case of *Gregory-Edwards, Inc. v. Cedar Bayou Baptist Church*; and

WHEREAS the court's ruling against Cedar Bayou Baptist Church opens the door for a deluge of lawsuits against churches as creditors seek to recover tithes by members who declare bankruptcy;

BE IT THEREFORE RESOLVED that Texas Baptists meeting in this convention go on record as supporting the Cedar Bayou Baptist Church of Baytown, Texas, in its effort to protect contributions to the church from bankruptcy judgments; and

BE IT FINALLY RESOLVED that the messengers to this convention urge the Texas Legislature in its next session to amend the "Fraudulent Transfer Act" of the Texas Business and Commerce Code and to support other legislation necessary to protect tithes given to one's church, thus maintaining the principle of freedom of religion.

Adopted Nov. 11, 1997

Baptist General Convention of Texas

Clinton, Chinese leader disagree over human rights

U.S. leaders repeatedly expressed concerns about religious liberty and other human rights issues during Chinese President Jiang Zemin's eight-day visit to the United States.

Jiang's U.S. visit was the first by a Chinese head of state in 12 years. While Jiang emphasized economic cooperation, prevention of weapons proliferation and environmental protection, U.S. leaders and protesters raised concerns about human rights.

Among several summit initiatives, Jiang invited a delegation of American religious leaders to visit China and see the religious situation there firsthand.

The religious leaders invited to China include Don Argue, president of the National Association of Evangelicals; Theodore McCarrick, Archbishop of Newark, N.J.; and Rabbi Arthur Schneier, founder and president of the Appeal of Conscience Foundation.

Argue said the group will travel to China from Dec. 30 until Jan. 20. He also said the three will be permitted to set their own itinerary.

Human rights topics surfaced repeatedly during Jiang's visit.

After Jiang met Oct. 30 with congressional leaders, House Speaker Newt Gingrich, R-Ga., said, "I reminded our Chinese guests that you cannot have economic freedom without political freedom, and you cannot have political freedom without religious freedom."

During formal summit meetings at the White House, an unusual coalition of conservatives and liberals held a rally across from the executive residence opposing red-carpet treatment for Jiang.

Sen. Russell Feingold, D-Wis., said it was not wrong to talk with Chinese leaders, "but we should only extend a full welcome after they have rejected oppression and intolerance and tools of statecraft, and after they have accepted the basic rights of every man and woman to life, liberty and the pursuit of happiness."

Despite agreements on issues such as future summits, weapons proliferation and Korean peace talks, the leaders did not shy away from differences on human rights at an Oct. 29 press conference.

President Clinton said the leaders have "fundamental differences, especially concerning human rights and religious free-

dom." He said the best way to handle those differences is through direct dialogue "until this issue is no longer before us, when there is full room for debate, dissent and freedom to worship as part of the fabric of a truly free Chinese society."

One major point of contention between the two world powers remains the 1989 events at Tiananmen Square, when the Chinese government violently suppressed demonstrators demanding political reform and more freedom.

Clinton said it was obvious that the two nations had a different view of the meaning of events at Tiananmen Square. He said the continuing "reluctance to tolerate political dissent has kept China from politically developing the level of support in the rest of the world that otherwise would have been developed."

Jiang said that "the concepts on democracy and human rights and on freedoms are relative and specific ones, and they are to be determined by the specific national situation of different countries. And I am also strongly of the view that on such issues as the human rights issue, discussions can be held on the basis of non-interference in the internal affairs of a country."

Clinton countered, "The United States recognizes that on so many issues China is on the right side of history, and we welcome it. But on this issue we believe the policy of the government is on the wrong side of history."

High court refuses to halt lawsuit against diocese

The U.S. Supreme Court refused to halt a lawsuit alleging the Roman Catholic Diocese of Brooklyn negligently supervised and retained a priest who later pleaded guilty to sexual abuse of minors.

Left standing was a New York appeals court ruling that while the diocese could not be held liable for negligent hiring, plaintiffs could proceed with claims that the diocese was negligent in retaining and supervising the priest.

"Religious entities have some duty to prevent injuries inflicted by persons in their employ whom they have reason to believe will engage in injurious conduct," the court said.

The diocese asked the high court to decide whether the First Amendment bars courts from finding a religious entity liable for negligently supervising clergy. Δ

Church-State Intersection

J. Brent Walker

General Counsel



We can and must teach about religion in our public schools! After striking down school-sponsored devotional exercises,

Justice Tom Clark reminded us that "one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization Nothing we have said here indicates that such a study of the Bible or of religion, when presented objectively as a part of a secular program of education, may not be effected consistently with the First Amendment." *Abington Township School District v. Schempp*, 374 U.S. 203, 225 (1963)

We must also teach about *religious liberty*. I came across a good example of how to do this the other day. My daughter, Layton, is a sophomore at George Mason High School in Falls Church, Va. She has a wonderful government class. The class is studying about the adoption and ratification of the Constitution, including the Bill of Rights. The class focused on the twin pillars of religious liberty: the religion clauses in the First Amendment. And it is not superficial stuff they are learning. No, they are plumbing the depths of the proper relationship between church and state.

For example, the teacher posed the following questions to the class in a test and asked whether what is being done is constitutional. How many of them can you answer?

1. A Congresswoman is asked to officiate at the grand opening of a holiday store in her district by plugging in the lights behind the nativity scene.

2. A group of First Evangelists has applied for federal money to set up a place for the homeless. They will teach their religion very quietly as they help people find places to live.

3. The City Council wants to place

both a Christmas tree and a menorah (candles used during Hanukkah) in the entrance hall of the city council building.

4. One of the beliefs of the "New Mind" religion is that its members should kill anyone who disagrees with them.

5. A Protestant school has applied for federal money to buy textbooks that teach science.

6. A member of the religious group "The Right Path" tries to convince her friend that her religion is the best faith to follow.

7. A leader of a religious group forbids its followers to leave the religious community.

Well, how did you do? Pretty heady questions for tenth-graders ... and for most adults, too! If the religion clauses were taught like this in every school, we would have fewer misunderstandings about the proper relationship between church and state, and religious liberty would be more secure in our country than it is today.

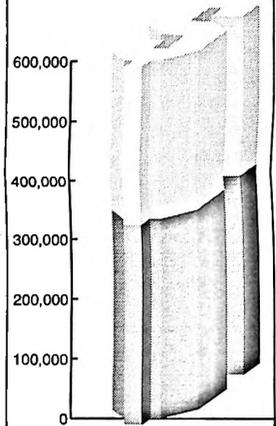
For short answers to these questions, keep reading:

1. This would most likely be upheld as constitutional. The nativity scene is generally regarded as a religious symbol. But, in the hypothetical case, it is apparently being displayed by a merchant on private property, rather than by the government on public property.

2. It is unconstitutional for a pervasively sectarian religious organization to receive federal money; it's also unconstitutional for a religiously affiliated organization if the money is used to teach religion. The fact that the religious instruction is being done "very quietly" does not matter.

3. This is probably constitutional. For better or worse, the Supreme Court has held that a Christmas tree and menorah are sufficiently secular symbols that do not offend the Establishment Clause.

Endowing the Baptist Joint Committee



Give a gift that will keep on giving:

Your investment in religious liberty by endowing the Baptist Joint Committee will help secure religious liberty into the next century.

Your tax-deductible contributions will help make certain that Baptists' commitment to a free church in a free state thrives in future generations.

We thank you. Your children and grandchildren will thank you as well.

Baptist Joint Committee

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- ◆ Southern Baptist state conventions/churches

REPORT FROM THE CAPITAL

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Book Review



I just returned from the annual meeting of the Baptist General Convention of Texas (BGCT). I was struck by the many resources available for ministry in the exhibit hall. I was particularly impressed by four items made available by the Baptist Distinctives Committee of the BGCT. I am sure the BGCT will be happy to supply you with copies, if not free, then at a minimal cost (Telephone: 214-828-5100).

• *Why Baptists? A Study of Baptist Faith and Heritage*, by William R. Estep. This is a helpful manual, written by one of the true giants of Baptist academia. He explains Baptist life in terms of worship and life together, the essentials of faith, the way Baptists organize and do church, their understanding of religious freedom and the separation of church and state and Baptist history in its various expressions.

• *A Study in the Development of Ecclesiology: The Southern Baptist Convention*, by William W. Barnes. This is a reprint of Professor Barnes' classic work that was

originally published in 1934. His thoughts about the doctrine of the church are timeless and are worth reading more than 60 years after originally penned.

• *Look Back to Look Ahead*, by W. Morgan Patterson. This is a reprint of a paper presented by Dr. Patterson, former president of Georgetown University, to the BWA's Heritage Commission in Vancouver this summer. Dr. Patterson emphasizes the need to study our heritage in order to meaningfully engage our future.

• *The Distinctives Committee Presents Three One-Act Plays for Use by Your Church*, by Darrel Baergen. These wonderful plays were written by Professor Baergen of Hardin-Simmons University. These plays, titled "Baptism," "Evangelism/Missions" and "Religious Freedom," were presented by Hardin-Simmons students. They are collected into one publication for use in your church.

Take a look at these resources. You will be glad you did.

— J. Brent Walker

ANSWERS, Continued from Page 3

4. Even under the strict test embodied in the Religious Freedom Restoration Act and the traditional understanding of the Free Exercise clause, government will always have a compelling interest in protecting the life of innocent persons. This is certainly true under the more attenuated standard in place after the demise of RFRA.

5. The Supreme Court has held that the government may *lend* secular textbooks to religious schools without violating the Establishment Clause.

Whether the school can receive an outright grant of public money to buy textbooks is a closer question.

6. The Free Exercise and Free Speech clauses protect proselytizing. However, there are some situations (e.g., public schools and the workplace) when proselytizing can be controlled if it becomes disruptive.

7. While reprehensible, this does not violate the separation of church and state. The First Amendment only protects against state action, not private conduct. Δ

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