



# REPORT FROM THE CAPITAL

Volume 53, No. 4

February 24, 1998

## NewsMakers

◆ Religious broadcaster **James Dobson** has threatened to leave the Republican Party if it continues to "betray" conservative Christian voters. Addressing a Council for National Policy meeting, Dobson said if he left the GOP, he would do everything he could "to take as many people with me as possible." He also said he was considering taking a leave of absence from Focus on the Family so as not to endanger the group's nonprofit status.

◆ **Liu Bonian**, vice president of the Chinese Catholic Patriotic Association, told a panel of U.S. religious leaders visiting China that the Vatican should establish ties with the communist-run government. The leaders — Roman Catholic Archbishop **Theodore McCarrick** of Newark, N.J., National Association of Evangelicals President **Donald Argue** and Rabbi **Arthur Schneier** of the Appeal of Conscience Foundation — met with Chinese President **Jiang Zemin** during their visit.

◆ **Abdelfattah Amor**, a United Nations official in the United States to investigate religious intolerance, said Native Americans and Muslims complained to him most about infringements of their religious rights. While he found evidence of religious intolerance, he also found "great freedom here, particularly for religion." ▴

## Lawmakers urged to protect tithes from bankruptcy laws

Federal bankruptcy laws should not be used to recover tithes given by individuals who later go bankrupt, several witnesses told a U.S. House of Representatives panel Feb. 12.

The panel was considering legislation sponsored by Sen. Charles Grassley, R-Iowa, and Rep. Ron Packard, R-Calif. The Religious Liberty and Charitable Donation Protection Act (S. 1244 and H.R. 2604) would bar bankruptcy courts from confiscating contributions to religious organizations and other charities to pay creditors. It would also permit debtors in Chapter 13 bankruptcy to tithe during their repayment period.

Grassley said the measure was drafted to protect both secular and religious charities "because many well-respected constitutional scholars believe that protecting only religiously motivated donations from the reach of the bankruptcy code would violate the Establishment Clause of the First Amendment."

It would protect contributions up to 15 percent of the debtor's annual income but could protect more if the debtor can show that giving more than 15 percent to charities has been a consistent practice.

"Many of our churches and charities across this country live hand to mouth. What comes into the collection plate on one day is usually spent the next," said Packard.

The bill would not change existing law that permits bankruptcy courts to recover money if the donation were made to

delay or defraud a creditor.

University of Texas Law School professor Douglas Laycock said the proposal does not make it more tempting to hide money from creditors. "If I understand federal bankruptcy laws, why would I

drop off money at a charity on my way to the courthouse (to declare bankruptcy)?" he asked. "I could drop it off in my retirement plan, and then I could keep it."

Recent court rulings have held that donations to churches are not protected from creditors because church contributors do not receive anything of reasonably equivalent value in exchange.

Laycock said the fact that "courts cannot constitutionally quantify the value of religious benefits and services does not mean that these services have no value."

Steven T. McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said the bankruptcy code should be amended out of fairness to the church.

"Presently, a debtor can blow all (his or her) money on wine, women and dance the night before filing bankruptcy and the creditor cannot recover that money," he told Baptist News Service after the hearing.

McFarland and Laycock urged the panel to expand the scope of the legislation to protect charitable gifts from state bankruptcy laws, which can provide even more leeway for creditors to recover funds from charities. ▴



Don't use bankruptcy laws to infringe on religious freedom.

— Sen. Charles Grassley  
R-Iowa

# If you like tax-supported evangelism, you'll love Rep. Istook's proposal



*Last month, Andy Waddell of Maysel wrote to two Clay County elementary school principals protesting Christmas programs that included prayers and altar calls, where people can publicly proclaim they have been saved.*

*Principal John Gency, a local preacher, made the altar call at Clay Elementary. According to Waddell, Gency said, "If you don't know Jesus Christ as your personal Saviour, come forth now . . . witness and be saved."*

— Charleston (W.V.) Gazette  
Feb. 5, 1998

Can you imagine it? An "altar call," a revivalistic invitation, was extended by the principal to a captive audience of 6- to 12-year-olds?

Such stunts now are the exception not the rule. If H.J. Res. 78, sponsored by U.S. Rep. Ernest Istook, R-Okla., were to pass, they'd be the rule not the exception.

Rep. Istook would apply his Religious Freedom Amendment "locally." Being interpreted that means "by the prevailing majority in a particular place." What Rep. Istook doesn't understand is that freedom is not really free if it depends upon the mood of the majority at the moment. That's exactly why we have a counter-majoritarian Bill of Rights. In other words, the minority is protected from the lynch-mob inclinations of the majority.

Istook would replace the first 16 words of the First Amendment to the U.S. Constitution with his garble. No thanks! I'd rather be Madisonian than Istookian.

The freedom of religion protected by the Bill of Rights is not up for grabs or subject to local option elections.

Ten Unanticipated Problems with Religio-Public Schools:

1. Beginners' swimming could be offered in the multi-purpose kindergarten baptistry.
2. Kids would be singing "Nearer My

God to Thee" instead of "My Country 'Tis of Thee."

3. Along with crayons, children would have to buy miniature Ten Commandments from Judge Roy Moore Inc.
4. Agriculture students would spend too much time learning to separate the sheep from the goats.
5. The gym would be called the Family Life Center.
6. Nap time would be for meditation and reflection.
7. Is it possible to have female principals? Can they preach?
8. Curriculum would be tailored to the dominant religious persuasion. We Baptists would claim a large hunk of the South, the Methodists could have Kansas, the Catholics — Rhode Island, the Mormons — Utah and the Buddhists — Hawaii.
9. Additional costs for communion wafers and grape juice.
10. God's chosen children get to go to recess first.

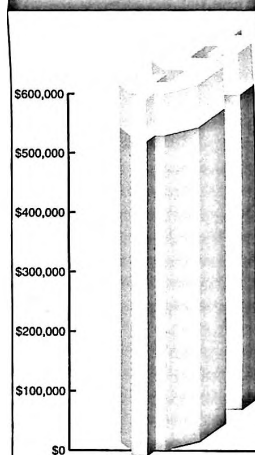
This much should be clear. I, personally, am a born-again, Texas-bred, Spirit-led, corn-bread-fed Baptist. I still preach "revivals" though most churches "east of the River" and north of the Mason-Dixon are too sophisticated to call them that . . . they are "preaching missions."

I invite folks to accept Jesus Christ as personal Savior. I believe people need the Lord. I am not ashamed of the good news, and I proclaim it on my own time without government supervision.

Yet, as the Baptist Joint Committee meeting October 7, 1997, unanimously declared of Istook's tinkering with the Constitution, "This amendment is dangerous and unfaithful to our Baptist heritage." It went on, "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 outsiders and second-class citizens if they did not participate in worshipping the god of the majority."

We don't need tax supported evangelism. Δ

## Endowing the Baptist Joint Committee



### Endowment drive reaches \$529,000

Gifts and pledges to the Baptist Joint Committee's endowment drive are now within \$71,000 of the \$600,000 goal.

Join those who are investing religious liberty for the 21st century.

## Quoting

**W**hether you believe in tithing or not — and I believe that tithing is biblically mandated — it's clear that many Americans feel that tithing is an act of worship, required by divine law. It's completely unacceptable to have the bankruptcy code undo an act of worship. The legislation I've introduced will prevent this from happening and Congress ought to pass it right away.

**Sen. Charles Grassley**  
R-Iowa  
Feb. 12, 1998

**I**n addition to protecting churches and charities, our bill also assists the individual donor ... . Currently, a person who files for bankruptcy under Chapter 13 is not allowed to make charitable contributions or tithe to a church. Amazingly, the courts have said that in making this type of contribution, the donor receives nothing of value — nothing. I do not accept this.

Under Chapter 13, a person can go to a bar and buy a beer. They can go to the movies. They can buy a television. But they cannot throw a dollar into the Sunday collection plate. ... Our bill would set reasonable standards to allow individuals to make these contributions.

**Rep. Ron Packard**  
R-Calif.  
Feb. 12, 1998

## Alabama school monitor will keep judge apprised

Chriss Doss, the court-appointed monitor charged with assuring that DeKalb County (Ala.) public schools adhere to a recent injunction against "officially sanctioned" religious activities, said he does not intend to act as a policeman.

The law professor at Samford University's Cumberland Law School said school officials will have an opportunity to deal with situations first. "But in cases where I'm needed, I will step in," Doss said.

Doss will report to Judge Ira DeMent, who barred religious activities that are conducted as "school organized or officially sanctioned" activities.

He said education of school officials, parents and students is a key part of implementing DeMent's ruling.

Doss said misleading statements in the media and by individuals have wrongly claimed that all prayer has been barred. "Anybody who is really familiar with the history of these cases concerning school prayer — when they read the judge's opinion with an open mind — will have to admit that he's right on target," he said. **A**

## Soul freedom central, Dunn tells ABC, SBC state leaders

Soul freedom is at the biblical and theological center of Baptist life, James M. Dunn told a combined meeting of state executives from the American Baptist Churches in the U.S.A. and the Southern Baptist Convention.

The executive director of the Baptist Joint Committee told the crowd that the theological roots of Baptist life can be symbolized in the three concentric circles of soul freedom, religious freedom and separation of church and state.

At the very least, "soul freedom means immediate and direct access to God," he said. "We don't need any filters. We each one come to God."

Religious liberty for all "includes not only freedom for religion but ... the freedom from religion, because if you can't say 'no,' your 'yes' is absolutely empty and meaningless," he said.

Dunn said the third circle — the separation of church and state — is the necessary corollary to religious liberty. He said, "Government, with its touch of mud, should never be involved (in religion)."

Dunn criticized a proposed constitutional amendment that would open the door for state-sponsored prayer and other religious expressions. He also took aim at

proposals to fund religious schools or other religious activities with tax dollars.

"Public money ought to go for public purposes and private money can go for private purposes," he argued. **A**

## Christian Coalition strategy may harm church tax status

The Christian Coalition unveiled a strategy Feb. 18 to recruit 100,000 church liaisons by November 2000 to assist in the group's voter registration and education efforts.

The announcement drew a swift response from critics who said the "Families 2000" initiative could jeopardize the tax-exempt status of churches.

Coalition leaders said the new program was successfully "test marketed" in a recent referendum in Maine where voters repealed gay-rights legislation.

According to a coalition press release, the strategy is directly linked to the group's national legislative priorities such as passage of school voucher plans and Rep. Ernest Istook's Religious Freedom Amendment.

Barry Lynn, executive director of Americans United for Separation of Church and State, said the strategy calls for churches to distribute the group's voter guides and thus jeopardize the tax-exempt status of churches.

"The coalition's voter guides are slanted in favor of certain candidates," Lynn said. "As such, they are partisan material that should not be distributed in churches. Under Internal Revenue Service regulations, churches and other ministries are flatly barred from intervening in partisan political campaigns."

The Federal Election Commission filed a complaint against the coalition for improperly spending money to influence federal elections in 1996.

People For the American Way Foundation President Carole Shields said the new agenda marks the end of the coalition's attempt, under former Executive Director Ralph Reed, to persuade Americans it had a "broader agenda than bashing gays and trying to outlaw all abortions."

"Staring down the twin barrels of flagging contributions and an FEC lawsuit, the group is returning to a narrow religious right message, calculated to stir up its members and fill its bank account," Shields added.

The coalition's revenues declined from \$26.5 million in 1996 to \$17 million last year, according to news reports. **A**

## Baptist Joint Committee

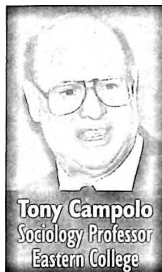
### Supporting Bodies

- ◆ 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 Conference
- ◆ Progressive National Baptist Convention Inc.
- ◆ Religious Liberty Council
- ◆ Seventh Day Baptist General Conference
- ◆ Southern Baptist state conventions/churches

### REPORT FROM THE CAPITAL

**James M. Dunn**  
Executive Director  
**Larry Chesser**  
Editor  
**Kenny Byrd**  
Associate Editor  
**J. Brent Walker**  
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.



are increasingly contending that vouchers should be tried to ascertain whether they can help solve the problems faced in educating urban youth. Organizations such as Evangelicals for Social action suggest that vouchers may be the answer for providing good education for the poor. It is argued that vouchers could be used to support private and parochial schools and would create competition that would force public schools to higher levels of fiscal responsibility and effectiveness. However, I have doubts about whether this would be a panacea.

The usual questions raised about vouchers should be reiterated. Private schools have the right of refusal. Public schools would become the dumping ground for problem students, making it more difficult for schools to carry out their difficult teaching responsibilities.

Secondly, it seems strange that the very voices crying out for vouchers are also the voices crying out for cuts in government spending. It appears there is a contradiction in these two cries. If we want government to cut spending, why get the federal government involved in the huge expenditures that vouchers would require?

But what most troubles me is that vouchers could put an end to the Ameri-

The push for school vouchers is in high gear.

It is amazing that even people who otherwise would be expected to oppose them seem to be joining the chorus supporting vouchers. African-American pastors serving in inner-city churches

can dream for the "Great Melting Pot." When public schools were first created, it was believed that a commonly shared education would bring together children from various ethnic, religious and cultural backgrounds. It was hoped that the cross-cultural encounters in the classrooms would enable young Americans to overcome their ethnocentricity, their religious sectarianism and their xenophobia. The good news is that the public schools largely delivered on that promise and made a major contribution to helping us live together as one people. With vouchers, the Melting Pot effect generated by public schools would be lost.

Just a few months ago, I was in Northern Ireland at a peace prayer breakfast that brought together Catholics and Protestants who wanted to find unity in their common commitment to Christ. When I asked them what was the single most important factor nurturing the sectarianism that was feeding the religious wars, I received a direct answer. Both Catholics and Protestants said it was their educational system. Utilizing something that is akin to the proposed voucher system, the Catholic and Protestant children each attend their own separate schools. It has been within the context of these schools that prejudicial attitudes and cross community hatreds flourished. One key leader in the peace work in Ireland stated, "If we could only have our children educated in the same school system, I believe it would not be long before this problem would disappear."

There is little doubt in my mind that vouchers, and the array of schools that would be created by them, would threaten the possibility of that unity we seek in this pluralistic society called the United States of America. Δ



200 Maryland Ave. N.E.  
Washington, D.C. 20002  
202-544-4226  
Fax: 202-544-2094  
CompuServe: 70420,54  
Internet E-mail:  
bjcpa@bjcpa.org  
World Wide Web site:  
www.bjcpa.org

Non-profit Org.  
U.S. Postage  
PAID  
Riverdale, MD  
Permit No. 5061

\*\*\*\*\*AUTO\*\*\*ALL FOR AADC 0/1

BILL SUMMERS  
901 COMMERCE ST STE 400  
NASHVILLE TN 37203-3628

