REPORT FROM
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NewsMakers

◆ Victor Zorkaltzev, author of a Russian law restricting minority religions, saw the U.S. Supreme Court's 1990 decision in *Employment Division v. Smith* as "support" for the law. Barry Fisher, former chairman of the American Bar Association Subcommittee on Religious Freedom, spoke with Zorkaltzev about the *Smith* decision, which lowered protection for religious liberty. "It is indeed disturbing that a U.S. Supreme Court decision interpreting the First Amendment is taken abroad as precedent ... for repressive legislation," Fisher said.

◆ Pat Robertson said he was pleased with a recent agreement between his Christian Broadcasting Network and the Internal Revenue Service. Under the agreement, CBN will keep its current tax-exempt status but must pay a significant fine to the IRS for 1986 and 1987 violations of rules that bar tax-exempt groups from engaging in electioneering.

◆ Milwaukee pastor Rollen Womack said the education voucher system there has hurt public schools and left parents short of money to cover the "hidden costs" of books, registration fees and transportation. He joined nearly 30 African American clergy at a Washington, D.C., news conference to oppose a voucher proposal in the District of Columbia. Δ

Religious persecution bill altered during House committee action

The House International Relations Committee approved a modified version of a bill designed to curb religious persecution abroad after a last-minute competing proposal threatened support for the measure.

The Freedom From Religious Persecution Act cleared the committee March 25 on a 31-5 vote with one abstention. The bill is sponsored by Sen. Arlen Specter, R-Pa., and Rep. Frank Wolf, R-Va.

It would establish a special officer in the State Department who would monitor countries engaged in religious persecution and could then impose sanctions on those countries. The president could waive the sanctions after giving Congress an explanation that the bill's goals were still being promoted.

Earlier this year, supporters announced changes to the measure to shore up support. Those changes were offered in a substitute amendment by the committee's chairman, Rep. Benjamin Gilman, R-N.Y.

But the measure underwent further alterations after a GOP lawmaker threatened its passage by offering a competing substitute amendment, which Wolf-Specter supporters learned of less than an hour before the markup session began. The competing proposal was introduced in the Senate the next day.

Rep. Kevin Brady, R-Texas, said his amendment was needed because supporters of the Wolf-Specter bill "have given away too much." It would have

allowed the president to choose the sanction(s) that would be imposed and would require the president to take action in all countries cited in an annual report commissioned by the bill.

Rep. Chris Smith, R-N.J., said the Brady amendment was "a radical rewrite of what Mr. Wolf and all of us have been working on."

After a nearly three-hour recess, the Gilman proposal was amended by Smith to resolve the standoff. The revised bill, intended to gain support of Democrats, removes references to

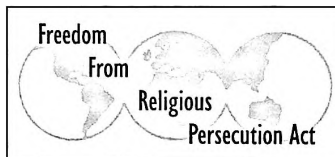
specific countries in the bill except Sudan, which is considered to be an egregious violator of religious freedom.

In another change, the secretary of state would be given more control over the officer monitoring religious persecution and more say in an annual report that the new office would draft.

At the markup, a State Department official said the Wolf-Specter measure would give "unprecedented power to an office director, who is not directly accountable to anybody ... with the sole power to change American foreign policy."

Before the committee's approval of the revised bill, another State Department official applauded the change but withheld support for the measure. "It's getting there," she said.

Since the bill covers a broad range of issues, it must be approved by the House Judiciary and Banking committees before it reaches the House floor. Δ



Quoting

Religious history warns us what happens when the State is no longer neutral among religions. The favored faith grows lethargic and withers (witness the officially "recognized" and largely empty churches of Europe). The disfavored faiths meet discrimination and often persecution.

The [Religious Freedom Amendment] would create a very slippery slope on which the government could all-too-easily slide from neutral recognition (e.g., that Utah was settled by Mormons; that the abolitionist movement included many religious motivations, etc.) — which is already constitutional — to fatal favoritism.

Jesus commissioned His disciples — not Caesar — to preach the Gospel. The question is not whether religious symbols will remain on public property; the right of the local church to erect a cross or the temple to sponsor a menorah in the public park is well-grounded in the First Amendment free speech clause. Rather the issue here is in whose name will it be done — Caesar's or the Church's?

Excerpts of a March 2, 1998, Christian Legal Society letter to the House Judiciary Committee explaining its opposition to the current language of the Religious Freedom Amendment sponsored by Rep. Ernest Istook, R-Okla. The CLS agrees with Istook about the need for a constitutional amendment but disagrees with his proposal.

Court rejects challenge to university prayers

The U.S. Supreme Court refused March 23 to hear a professor's challenge to "generic" prayers and moments of silence at Tennessee State University functions.

Left standing was a ruling by the 6th U.S. Circuit Court of Appeals that generic, nonsectarian prayers and moments of silence at university events do not violate the constitutional principle of church-state separation.

The Nashville university's policies were challenged by Dilip K. Chaudhuri, a tenured mechanical engineering professor and an adherent of the Hindu religion. Chaudhuri objected to the custom of prayers being offered at graduation exercises, faculty meetings, dedication ceremonies and guest lectures.

Following complaints by Chaudhuri, TSU officials decided that prayers at university events should be of a "generic" nonsectarian nature. Their decision was based on an opinion from the state university system's general counsel.

In January 1991 Chaudhuri took his complaint to a federal district court, where he asserted that the prayer policy violated the First Amendment's ban on governmental establishment of religion and its free exercise of religion guarantee.

After the lawsuit was filed, TSU changed its policy to include a moment of silence, rather than a verbal prayer, at graduation exercises.

The appeals court said the university's policies had a secular purpose, their primary effect neither advanced nor inhibited religion and they did not create excessive government entanglement with religion.

The appeals court also brushed aside Chaudhuri's free exercise claim, noting he was not required to participate in any religious exercise. Δ

Nonprofit lobbying rules added, then axed from bill

A U.S. House of Representatives panel added a provision to a campaign finance reform bill that opponents say would have "muzzled" religious groups seeking to influence public policy.

But House leaders later removed the provision before the campaign finance measure reached the House floor for a vote, according to Independent Sector.

The provision would have required religious and other nonprofit organizations to reduce the amount spent on "political

activities," including lobbying and education programs, based on the number of members who object to the expenditures.

Religious groups objected to the provision.

In a March 20 letter to the chair of the House Oversight Committee, Joan Brown Campbell, general secretary of the National Council of the Churches of Christ in the U.S.A., said the provision would "severely limit public advocacy by nonprofit and religious institutions."

J. Brent Walker, general counsel at the Baptist Joint Committee, said that "Congress keeps asking the nonprofit sector to do more, but continues to try to take away its tools."

"This provision would excessively entangle church and state and chill the churches' prophetic critique of government," he said. "Caesar has no business regulating churches in this way." Δ

Equal treatment sometimes hinders religion, panel says

A panel of religious legal experts asked the House Subcommittee on the Constitution March 26 to create a new law that would restore special protections for religious practices in the face of general laws enforced by state and local governments.

Neutral laws and policies, such as those dealing with zoning and bankruptcy, often interfere with religious practice, the legal specialists said.

"There is a trend in the interpretation of the religion clauses to treat religion like everything else," said Mark Chopko, general counsel of the United States Catholic Conference.

The subcommittee hearing is part of congressional efforts to bolster protections for religious practice after the high court invalidated the Religious Freedom Restoration Act. Congress enacted the 1993 law — which required government to demonstrate a "compelling" reason to restrict religious practice — after a 1990 Supreme Court decision made it much easier for government to justify laws and policies that restrict religious activities.

The court's ruling that Congress lacked the authority to impose RFRA's protections for religion on state and local governments sent federal lawmakers back to the drawing board.

Dean Ahmad of the American Muslim Council, said that since the high court struck down RFRA, "Muslims, among others, have been left naked before the power of state and local authorities." Δ

Say a prayer to protect separation of church and state



Tom Teeppen
National Correspondent
Cox Newspapers

It's a congressional election year and a warm-up for the next presidential election to boot, so of course poor God is in the political soup again. You know, unless men and women of thoughtful faith prevent it, one of these days the politicians will finally batter their way through the wall of church-state separation and put the deity to work as a party hack.

The latest gimmick for that is the Istook Amendment, now irresponsibly approved by the House Judiciary Committee on a straight party-line vote, with Republicans paying off the religious-right groups that nowadays deliver a crucial part of the GOP electorate.

The Istook Amendment, which is named for Rep. Ernest Istook, R-Okla., would encourage sectarian prayer in public school classrooms and proselytizing over school intercom systems. Going miles beyond previous proposals, it also would permit religious exercises in court trials and, by preventing "discrimination" against religion, would clear the way for public funding of religious schools and other religious activity.

It is difficult to imagine another proposal that would be as menacing to the iffy equilibrium of this religiously diverse nation. Efforts to force just such outcomes as the amendment wants already are creating turmoil, perhaps most violently in Alabama. The governor there has threatened to call out the National Guard to protect courtroom religious observances.

In one school district, a Jewish family has had to seek court protection to keep Christian school officials off their children's backs. In another, a court monitor has had to be appointed to stop evangelicals from schoolhouse bullying.

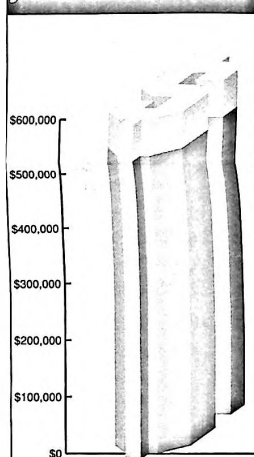
The amendment's supposed safety valve against religious harassment in schools is to make the children of minority religions leave their classrooms and stand in the hall until the prayers, services or what-have-you are over — in effect, branding them as outcasts in the name of their religious liberty.

This is vileness dressed as piety and cloaked in cynicism. House Speaker Newt Gingrich, R-Ga., promised the Christian Coalition a school-prayer vote and he's finally delivering, although he knows perfectly well the amendment won't win the two-thirds support needed in the House.

No matter. The shortfall will serve GOP and religious-right ends almost as well as success would, maybe better. It creates an issue they can use to beat up on Democrats. (You can bet the vote will loom large in Pat Robertson's twisted voters' guides.) And it will give an array of organizations an excuse to hit up their direct-mail lists for new money to fight the godless or the secular humanists or whoever the bogey-du-jour is now.

By every measure — membership, attendance, income — religion is flourishing in the United States as in no other Western nation. It is prospering uniquely, not despite but because of the clear church-state separation that the Constitution's framers insisted on and left to our keeping. Why, in God's name, would politics want to mess with religion's success? Δ

Endowing the Baptist Joint Committee



A boost down the homestretch

With the Baptist Joint Committee endowment drive within \$65,000 of its \$600,000 goal, a retired Baptist minister has provided a homestretch boost with a \$25,000 challenge pledge. He will match the first \$25,000 in gifts responding to this challenge. Please send your gift today and indicate that you are responding to the challenge pledge.

Thank you.

Religious Liberty Council Luncheon set June 26

Plan to attend the 1998 Religious Liberty Council luncheon at noon Friday, June 26, at the Sheraton Astrodome in Houston. To order or reserve tickets (\$15) or obtain information about the RLC, contact Karen McGuire:

202-544-4226 • 202-544-2094 (fax) • Karen_McGuire@bjcpa.org

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REPORT FROM THE CAPITAL

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Dunn, Torn receive first McCall awards

The first Abner V. McCall awards for humanitarianism and religious liberty were presented March 20 to a Baptist volunteer who pioneered support efforts for cancer patients in Houston and to the head of a six-decade-old religious liberty agency in the nation's capital.

The awards are named after the 10th president of Baylor University, who died in 1995.

Roberta Keys Torn, who has visited cancer patients at M.D. Anderson Hospital an average of three days a week for more than 24 years, is the first recipient of the McCall Humanitarianism Award.

The first McCall Religious Liberty Award was presented to James M. Dunn, executive director of the Baptist Joint Committee. The award "recognizes individuals, who by their lives and actions, have exemplified the courage and dedication of Abner V. McCall to the belief in and commitment to religious liberty."

At M.D. Anderson, Torn started volunteer groups called Adopt-A-Friend and Friends-N-Deed. She also started a program called Sojourn House, which provides low-cost housing to M.D. Anderson outpatients.

The housing program started with just four apartments and has grown to include 60 apartments.

Working with cancer patients and their families "has been a program that is so rewarding," Torn said. "It has been my life."

At 82, she still can't get away from it. "I cannot not go to M.D. Anderson," she said. "I've tried, but I cannot do anything else when I think I need to be there."

Dunn said the honor is magnified by

the linkage with McCall. He said two shared a common vision and passion for religious liberty.

"We did and I do despise ritual religion, compelled Christianity and culture-bound churches," Dunn said. "I despise denominational cupidity and inconsistent and contradictory claims for soul freedom by a people that are quick to kick out or ostracize those who are honest about not agreeing with the majority."

Dunn said it was McCall, more than anyone else, who doggedly insisted that the Baptist Joint Committee form the Religious Liberty Council. Now the individual membership arm of the RLC was initially formed at McCall's insistence to provide financial support for the agency after the loss of funding from the Southern Baptist Convention.

Dunn also cited ties to J.M. Dawson, the first executive director of the Baptist Joint Committee, who brought McCall into his home while he attended Baylor.

"Abner McCall and J.M. Dawson were always in hot water for defending the freedom of someone to exercise their Baptistness, for local churches' freedom to make their own decisions, for democracy and for noncreedalism," Dunn said.

"My only real lament here tonight is that while they were always in hot water, always being despised and condemned and attacked by somebody, ... it seems I'm more likely to be in tepid water, not having quite the opportunity to strike a blow for real religious freedom because I believe with all my heart as they taught me to believe ... that when anyone's religious liberty is denied, everyone's religious liberty is endangered," he added. Δ

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