

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ **Dan Pollard**, an independent Baptist pastor from Oregon, apparently has become the first U.S. church worker forced out of Russia since last fall's passage of a law that gives the Russian Orthodox Church special status while limiting the activities of other religious groups. He left the Russian state of Khabarovsk at the end of March. "We were legally there and then they passed this new law and I knew from then on that we could be told to go at any time," Pollard said.

◆ **U.S. Sen. Jeff Sessions**, R-Ala., sponsored a resolution approved by the Senate supporting the public display of the Ten Commandments at government buildings and courthouses across the country. Before approval, the nonbinding resolution was amended to require that the displays "be consistent with the Establishment Clause of the First Amendment." The change was offered by Sen. **Lautenberg**, D-N.J.

◆ **The Rev. Patrick Sullivan**, Cuba's only resident Roman Catholic priest from the United States, said he has been ordered to leave the two parishes in which he works. Sullivan speculated that the pope's visit to Cuba was so humiliating for the hard-core communists that they "have to do something to show they are in charge." Δ

RFRA applies at federal level, court rules in tithing dispute

Saying a partially invalidated religious liberty law still applies at the federal level, a U.S. appeals court ruled April 13 that bankruptcy trustees may not dip into church coffers to recover tithes given by debtors.

Last year, the U.S. Supreme Court ruled that Congress lacked the authority to impose the Religious Freedom Restoration Act on states and localities. Since then, attorneys for religious groups and the Clinton administration have argued that the law's heightened protection for religious practice still applies to the federal government.

The 8th U.S. Circuit Court of Appeals agreed, ruling that "RFRA is an appropriate means by Congress to modify the United States bankruptcy laws."

In a 2-1 decision, the court ruled that there is "nothing in RFRA's text or legislative history to suggest that Congress would have declined to protect religious liberties from federal interference merely because it was unable to protect those liberties from state interference."

Initially, lower courts ordered Crystal Evangelical Free Church to turn over \$13,450 donated by two members of the church who later declared bankruptcy.

In 1996, the appeals court reversed the lower courts and ruled that RFRA protected the Minnesota church. But the Supreme Court vacated that ruling and told the appeals court to reconsider the case in light of its ruling against RFRA.

Handing a victory to religious groups

and the Clinton administration, the appeals court declared RFRA constitutional when applied to federal activities.

"Whenever an act of Congress contains objectionable provisions separable from those found to be constitutional, it is the duty of this court to so declare, and

to maintain the act in so far as it is valid," the appeals court said.

Attorneys for religious groups applauded the ruling.

J. Brent Walker, general counsel at the Baptist Joint Committee, said

"One practical and immediate implication is the protection of church tithes."

— **Phil Strickland**
Texas Christian Life Commission

that "it is a major victory for a federal court to rule that RFRA requires the federal government to give heightened protection to religion — not just under the bankruptcy laws, but throughout the 200-volume U.S. Code and the extensive federal bureaucracy."

Steven McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said that churches "have regained a shield against creditors, but haven't won the war." He said pending congressional legislation to protect tithes and charitable giving is still needed "to tell bankruptcy trustees to get their hands out of the offering plate."

Phil Strickland, director of the Christian Life Commission of the Baptist General Convention of Texas, said, "We're all pleased that the court recognized the legitimacy of RFRA."

"One practical and immediate implication is the protection of church tithes," he said, adding that "at another level, it encourages a pursuit of state RFRA's." Δ



Alabama Senate approves state RFRA

The Alabama Senate has voted for a religious freedom amendment to the state constitution that would give religious groups broader protection in the expression of their beliefs.

The proposed amendment would accomplish on the state level what the 1993 Religious Freedom Restoration Act sought to do at the federal level by making government show a compelling interest in enforcing laws that interfere with religious practices.

Last June, the Supreme Court ruled that Congress had exceeded its power by making RFRA apply to state laws. This month, a federal appeals court ruled that RFRA could be applied at the federal level.

The new legislation, which now goes to the Alabama House for consideration, would bar government from "the burdening of the freedom of religion unless the government demonstrates that it has a compelling interest in doing so and that the interest is achieved by the least restrictive means." Δ

Groups urge reversal of worship access ruling

Thirteen religious organizations have asked the U.S. Supreme Court to invalidate a New York City Board of Education policy that bars the after-hours use of school facilities for worship and religious instruction.

The school board policy permits outside groups to use school facilities for a variety of purposes, including the discussion of religious material. But it specifically bars "religious services or religious instruction on school premises."

The policy was challenged by the Bronx Household of Faith, an evangelical Christian church. After failing to gain approval of school officials to meet in a middle school gymnasium-auditorium for weekly worship services, the church filed a lawsuit claiming that the policy violated the First Amendment's speech and religion protections.

A federal district court and the 2nd U.S. Circuit Court of Appeals sided with school officials.

The appeals court described the school facility as a "limited public forum" that had been opened to outside organizations for a wide variety of civic and social uses.

Access to such forums may be limited, the court said, as long as the restrictions are "reasonable and viewpoint neutral." In this case, the court found that the school's policy was reasonable and did not discriminate on the basis of viewpoint.

The school "never has been made available for worship services to any outside group," the court said.

In their friend-of-the-court brief, the religious groups urged the nation's high court to reverse the lower court rulings. They suggested that because the appeals court ruling was inconsistent with the Supreme Court's First Amendment interpretations, it could be summarily reversed — without going through the formal oral argument process.

The religious groups noted that in 1981 the Supreme Court "rejected a policy essentially identical to the school district policy in this case." In *Widmar vs. Vincent*, the high court rejected a state university's attempt to deny access to groups seeking to meet for religious worship and instruction.

Government is not competent to distinguish between religious worship and instruction and other forms of religious speech, the brief argues.

If allowed to stand, the religious groups

argue, the appeals court decision "will have negative repercussions for private religious expression across the country."

The friend-of-the-court brief was filed by the Christian Legal Society, the Baptist Joint Committee, the Council of Churches of the City of New York, the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Focus on the Family, the General Conference of Seventh-day Adventists, Liberty Counsel, the National Association of Evangelicals, the New York City Church of Christ, the Presbyterian Church (U.S.A.), the Queens Federation of Churches, the Union of American Hebrew Congregations and the Union of Orthodox Jewish Congregations of America.

"This is an issue of great importance to thousands of churches who are now meeting in schools," said J. Brent Walker, BJC general counsel. "Once the school is opened up on weekends for other use, it should be available for worship, too."

Government is ill-equipped, Walker added, "to say 'yes' to religious talk and 'no' to religious worship. And how is it going to tell the difference?" Δ

Science academy issues guide for teaching evolution

The National Academy of Science, saying lessons on creationism do not belong in public school classrooms, has issued a guidebook for the teaching of evolution.

The unusual action comes at a time when many Christian conservatives want schools to give creationism the same credibility they give to evolution.

The guidebook, unveiled April 9, offered advice on how to discuss evolution and answer questions — including those from parents — about the controversial topic.

"We are finding that more teachers are reluctant to teach about this central idea," said academy president Bruce M. Alberts. "Our hope is that this will help them."

School districts are not required to accept the academy's advice, but the academy's guidebook could prove to be an influential mechanism for educators who want to keep teaching evolution, *The Washington Post* reported.

Arne Owens, spokesman for the Christian Coalition, said that local communities should get to decide about teaching creationism, evolution or both. "We believe communities have the right to have their values reflected in the curriculum," he said. Δ

Invest in freedom's futures market; pass on baton of bona fide Baptists



For a second I thought the seminary professor was putting me on, pulling my leg. After hearing my 1998 stump speech on religious liberty, he said quite seriously, "James, I'm convinced that

the Baptist Joint Committee is the last best hope for keeping what is essentially Baptist. My wife and I have the BJC in our will."

The week before, a retired preacher pledged a \$25,000 challenge gift toward the BJC endowment if friends like you, dear readers, will match it (Don't wait for me to call you.)

A few days ago a department chairman in an historic university asked why is it that current Southern Baptist Convention leaders are embracing creedalism, accepting hierarchy, denying the priesthood of all believers, opposing local church autonomy and violating soul freedom — in a phrase "going the opposite direction of real Baptists."

I don't know the answer to that question. We at the BJC are profoundly humbled and grateful for folks who believe in the liberty mission. As spiritually dangerous as it is for any of us to consider ourselves "the last best hope" for anything, we are challenged to be intensely committed to the ideas that Martin Marty suggests have made for the "baptistification" of American religion.

If we had the spirit of Matthew 13:46 when a man found "one pearl of great price, sold all that he had and bought it," Baptists would survive. We have denied distinctives, dumped doctrine, hated history, forgotten forebears, stopped study courses and been embarrassed by many folks bearing the Baptist label. Let's hope

that there is at least one more chance to hand down to the next generation the baton of Baptists at our best. The race is not over. There are ideas worth keeping.

Thank God for that seminary professor.

If there were many more believers like the retired preacher, the future of religious freedom would not be at risk. He is not vastly wealthy. He is "mature" enough that he will never sit in the shade of the trees he's planting. Yet, with a vital faith and trust in the Lord he endows a voice for religious liberty and its logical legal hedge, church-state separation.

Praise the Lord for that retired preacher.

If only there were herds of professors who would refuse to accept the notion that our time is the post-Christian era. The denominational tags aren't all that important but the biblical concepts of immediate access to God, unhindered religion, unfettered faith and the competence of the individual before God are essential. Those beliefs are the essence of being Baptist. The social and political impact of the American way in church, state and society is our nation's great contribution to freedom. American religion is vital precisely because it is voluntary.

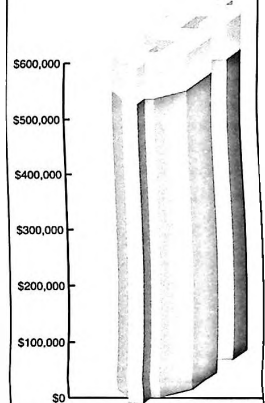
Be grateful to Heaven for a professor who so professes.

Today's world is insecure and uncertain. Change is rapid and unpredictable. Who knows what tomorrow holds. The old certainties no longer apply.

Except one: Bona fide Baptists will stand for freedom of religion. Even God will not trample the faculty for faith in every first-person-singular "I," and you can do something to perpetuate that witness today.

Invest in freedom's futures market. Δ

Endowing the Baptist Joint Committee



BJC endowment drive reaches \$537,000

The Baptist Joint Committee's endowment drive is now within \$63,000 of its initial goal of \$600,000. Thanks to a \$25,000 challenge pledge from a retired Baptist minister, the goal is actually closer. Please send your gift today, and mark it as a response to the challenge pledge.

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

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The Christian view of phonics

Question: What is the Christian position on teaching kids to read through phonics? Answer: Ask the Texas Christian Coalition. I don't recall that Jesus had anything to say for or against teaching phonics in our schools or anywhere else. But election time is drawing near, and sure enough, the new Christian Coalition voter guides are being sent for distribution in our churches. Among the questions asked to determine if candidates are pro-family and good Christians is whether or not all Texas universities should be required to train teachers to teach phonics in our public schools.

According to the Texas Christian Coalition, it also is pro-family and Christian to support the elimination of the 6.25 percent state sales tax on motor vehicles, another subject that I can't find anywhere in the Bible. And I learn from the questionnaire that there are official Christian positions on a state personal income tax, term limits for Texas judges and even a federal constitutional amendment requiring a congressional super majority (three-fifths) to raise taxes. What do any of those things have to do with being a follower of Jesus Christ?

The Christian Coalition voter guides are being distributed in churches across Texas. While candidates were asked to answer 72 questions, the voter guides focus on only six to eight of those questions, carefully selected to favor one candidate over another in each race. Clerics then are asked to distribute the guides in their churches, and pastors are supposed to have the gall to stand up and tell their people that the guides can help elect good Christian people to public office.

Now, my congregation may not expect much from me, but it does expect me to

Guest
View
by
**Kyle
Childress**

tell the truth. And the truth is that the voter guides have a lot to do with partisan politics and very little to do with being Christian. To distribute them on Sundays puts churches at risk. We are engaging in partisan political activities, which is illegal. The Federal Election Commission and the

Internal Revenue Service are investigating the Christian Coalition for coordinating its activities with the Republican Party. By distributing the partisan materials of the Texas Christian Coalition in church, we are opening our churches to the same legal questions.

More important, we risk compromising the integrity of our message and who and what we stand for as followers of Jesus. When political organizations claim there is an official Christian position on such issues as the motor vehicles tax, they unfaithfully politicize the Christian faith.

Let there be no mistake. Christians need to be involved in politics. But let us be involved without sacrificing the integrity of Jesus Christ. Instead of allowing ourselves to be used by political partisans, why not be in a position of being able to hold both political parties' feet to the fire? Surely, we can be engaged in public dialogue without giving our soul away to one party or another.

Christians can faithfully disagree on many political issues. There are many things Jesus didn't talk about or even consider. Among those are income taxes, term limits and phonics. Perhaps Christians would be better served if they focused on the things Jesus *did* talk about. Δ

The Rev. Kyle Childress is senior pastor at the Austin Heights Baptist Church in Nacogdoches, Texas.

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