

Nashville, Tennessee



REPORT FROM THE CAPITAL

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NewsMakers

◆ U.S. Reps. J.C. Watts, R-Okla., James Talent, R-Mo., and Danny Davis, D-Ill., have reintroduced the American Community Renewal Act, which would provide tax breaks and business incentives in up to 100 low-income "renewal communities." The sponsors removed a controversial voucher provision that threatened to derail the bill in past years but left intact a provision to allow the communities to operate faith-based drug and alcohol treatment programs with federal funds.

◆ Rep. John Hostettler, R-Ind., recently introduced the Public Expression of Religion Act. The measure would bar litigants from seeking damages and attorney's fees for Establishment Clause violations but would not affect Free Exercise Clause claims. It would allow litigants to seek injunctive relief for violations of the constitutional ban on governmental advancement of religion.

◆ Federal District Judge William F. Downes has upheld the National Park Service's efforts to accommodate Native American religious worship at Devils Tower National Monument. The park service implemented a voluntary ban on rock climbing on portions of the area during June, when Native Americans from more than 20 tribes gather to conduct religious ceremonies. Δ

Senate approves measure protecting tithes, other gifts

The U.S. Senate unanimously approved a bill May 13 that would shield tithes and other charitable gifts from bankruptcy actions.

The Religious Liberty and Charitable Donation Protection Act would protect gifts donated by individuals who later declare bankruptcy. The House Judiciary Committee was expected to consider the bill later this month.

Sponsored by Sen. Charles Grassley, R-Iowa, and Rep. Ron Packard, R-Calif., the bill would bar bankruptcy courts from confiscating contributions to religious organizations and other charities to pay creditors. The law would protect tithes and other contributions of up to 15 percent of the debtor's annual income.

It would also permit debtors in Chapter 13 bankruptcy to tithe during their repayment period.

Current federal bankruptcy laws have been interpreted to allow the confiscation of funds given during the year before a donor declared bankruptcy. Some state fraudulent transfer laws have allowed creditors to recover funds donated over several years.

The bill approved by the Senate bars creditors from recovering charitable gifts under state laws.

A Grassley aide said the state protection would solve the type of lawsuit directed at Cedar Bayou Baptist Church of Baytown, Texas.

A Texas state judge ruled last year that the church had to give a creditor \$27,687

— four years of tithes — given by church member and deacon Leland Collins. The ruling hinged on the contention that Collins made his contributions to the church "without receiving a reasonably equivalent value in exchange."

Grassley said the bankruptcy bill "responds directly to recent decisions made by federal judges which leave churches open to bankruptcy lawsuits and force churches and charities to return money given through donations."

Churches should be treated as fairly as casinos.

— Steven T. McFarland



Under current law "a person can budget money for pizza and a movie but not for a charitable contribution to his or her church, even if that person believes his or her faith requires that," he said.

Reacting to such cases as the Cedar Bayou dispute, religious organizations have been urging lawmakers to protect the offering plate.

Steven T. McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said that "churches and charities should be treated as fairly as casinos and luxury cruise lines."

He said, "Presently, if a debtor blows every last dollar on gambling and liquor, the trustee cannot recover that money from the casino or liquor store; but if the debtor donates that same money to his church or the Red Cross, the creditors can force repayment."

The bill was drafted to include secular charities, as well as religious groups, to head off a possible court challenge that it violates church-state separation. Δ

Religious leaders say remark shows divisiveness of Istock measure

Three religious leaders criticized a lawmaker's suggestion on the House floor that "there is a special place in hell for a number of federal judges."

Rep. Jack Kingston, R-Ga., made the remark as he and Rep. Ernest Istock, R-Okla., discussed court decisions that they stifle religious expression and create a need for Istock's proposed Religious Freedom Amendment. "There is no doubt in my mind that there is a special place in hell for a number of federal court judges, as I am sure there will be for members of Congress."

Kingston told a Georgia newspaper he made the comment in jest.

The Rev. Joan Brown Campbell, general secretary of the National Council of the Churches of Christ in the U.S.A., said the remark "tells us precisely what we can expect" if the amendment is enacted — "intolerance, incivility and nastiness."

Baptist Joint Committee Executive Director James M. Dunn said, "Let's let God separate the righteous from the damned, the sheep from the goats. Last time I checked, it wasn't in the job description of a member of Congress."

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism said Kingston's remarks foreshadow "the angry, divisive, sectarian debates that will follow passage of this amendment." Δ

Altered persecution bill approved by U.S. House

The U.S. House of Representatives approved a bill designed to curb religious persecution abroad on a 375-41 vote May 14. A competing proposal in the Senate is expected to leave lawmakers at a bargaining table for a final version of the bill.

The Freedom From Religious Persecution Act, a once-popular bill intended to curb religious persecution abroad, has undergone repeated alterations in the House. It is sponsored by Rep. Frank Wolf, R-Va., and Sen. Arlen Specter, R-Pa.

The Wolf-Specter bill would establish an office of religious persecution monitoring at the U.S. State Department. It would require the office's director to make an annual report on religious persecution and would give the director power to impose automatic sanctions such as denial of U.S. foreign assistance, denial of visas and prohibitions on certain exports to countries that engage in persecution.

To the dismay of several conservative religious leaders and advocacy groups, the original Wolf-Specter underwent numerous modifications before it was reintroduced earlier this year. Two House panels further altered the bill recently.

Another barrier to the Wolf-Specter measure is a competing Senate proposal sponsored by Sen. Don Nickles, R-Okla. The International Religious Freedom Act would establish an ambassador-at-large post at the State Department, a special adviser on religious liberty on the National Security Council staff and a seven-member commission appointed by Congress and the president.

Instead of imposing automatic sanctions, the Nickles measure would require the president to choose from a list of several sanctions to use against countries engaged in persecution. It also more broadly defines religious persecution.

The House Ways and Means Committee stripped provisions from House bill that would have banned imports from the Sudan, a country considered to be a consistent violator of religious freedom.

Ways and Means Committee Chairman Bill Archer, R-Texas, said that religious leaders from Sudan "believe that the bill will not work as its authors intend and may in fact bring about the opposite result. Unfortunately we are learning the hard way that unilateral sanctions rarely work, especially when they are misapplied."

Earlier, the House Judiciary Committee removed provisions that would have

made it easier for victims of religious persecution to receive asylum in the United States.

At a recent White House meeting with officials from the National Association of Evangelicals, President Clinton voiced his opposition to any legislation that would impose mandatory sanctions on countries guilty of religious persecution. According to a news wire account of the meeting, Clinton told the group he shares the goals of the legislation's sponsors but believes there are better ways of addressing the issue. Δ

Bill introduced to fund faith-based programs

Seeking an expansion of his "charitable choice" initiative that was part of the 1996 welfare reform package, Sen. John Ashcroft, R-Mo., introduced a bill that would allow more government contracts and vouchers for faith-based programs.

Under the Charitable Choice Expansion Act introduced May 7, houses of worship could get public funds to provide services such as low-income housing, juvenile crime prevention and substance abuse, according to Ashcroft.

Ashcroft's plan would require government to give equal consideration to faith-based organizations when contracting or using vouchers for government services. It would bar houses of worship from using grant money to proselytize or provide religious instruction. However, they could provide those religious services with government vouchers, a distinction the U.S. Supreme Court has yet to rule on.

The new measure has been refined to require that the government notify a beneficiary that services can be received from an alternative (non-religious) provider. Also, faith-based providers must keep monies received under government programs separate from funds received from non-governmental services.

The plan is opposed by advocates of the separation of church and state, who argue that it would violate the Constitution's ban on government advancing religion. They also say government regulation would accompany the public money.

"It is the wrong way to do right," said Melissa Rogers, associate general counsel of the Baptist Joint Committee. "As a result of this legislation, the traditional role of religion as a prophetic critic of government may suffer. Like every other government-subsidized group, religion will be less likely to bite the hand that feeds it." Δ

Personal freedom has stake in campaign finance reform



James M. Dunn
Executive Director

“What would it cost to buy me a senator?” asked a good ole boy from Texas in a sort of semi-ignorant amorality. He had the money. Today, he couldn’t buy a senator’s wardrobe.

What is the nexus between campaign

finance reform and morality?

See the influence of traditional sin peddlers. Big tobacco stops dead the promise of reform that would save 3,000 lives a year. Beer barons, liquor lobbies, restaurateurs and tourist trappers ensure no strict standard of .08 percent blood alcohol definition of drunken driving. Gambling fat cats lubricate the political machine.

But there’s more to morality.

Washington buzzes morality but much talk is about individual iniquity and sexual sin and personal perversions.

Larger threats to decency come in violation of a sacred trust when human beings are for sale. Now persons in the political process are slaves to the system.

Gross immorality prevails when respect for the rule of law is diminished or destroyed. Legal loopholes perforate political contribution regulations.

The very idea that money has absolute First Amendment rights is a concept supported by the U.S. Supreme Court. Simply, “money talks.” The Court itself has supported the nutty notion that funding IS free speech.

Grow a generation of cynics! Teach them that the Golden Rule is as described by the meanest of mortals: “He who has the gold makes the rules.”

The connection of campaign finance reform with ethical oughtness is deeper. Anything that strikes at the sacred precinct of humanity, personhood, is by definition immoral.

The universal understanding of what it means to be a person is entangled with the concept of free moral agency, the ability to be response-able. It’s a package deal. Responsibility and freedom are two sides of one coin.

In this view, every human being has a faculty that even God will not trample. People are free and responsible. So for any external force to run roughshod over personal prerogatives is immoral.

A system that steadily invalidates the integrity of individual initiative by intervening between the electorate and the elected is immoral. When the will of the voters is violated, that’s usually bad. When the money of a few sidetracks the will of the many, that’s always wrong.

We condemn any ruthlessness that destroys persons. We weep at violence — like that in Rwanda — that takes thousands of physical lives. How then can we be so inured to callous disregard for political life?

Political ruthlessness is simply a prelude to other forms of violence. Maybe denigration of democracy by bosses buying votes is a difference more in degree than in kind from the disregard for persons one saw in Rwanda. If ordinary folks don’t count, what does it matter? That’s a question of morality.

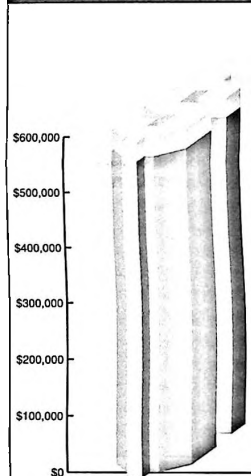
Two universals should concern us. One is the dignity that should be afforded to every human being made in the image of God. The other is the fallibility of all humankind.

Even when we know what’s right, understand the difference between good and evil and appreciate the course of action that serves our own interests, we blow it. And that’s even more true of special interests. When we band together it’s worse: in Niebuhr’s words, “moral man and immoral society.”

And so, political parties, corporations, wealthy individuals, sleazy publications, big contributors, industries, businessmen, labor unions, moneyed interests and even justices of the Supreme Court can see money as having absolute rights of free speech. “If God says, lovin’ money is the root of all sin, then God is unAmerikin.”

Of course contributions affect votes in Congress. How stupid do they think we are? Campaign finance reform is a moral issue. Δ

Endowing the Baptist Joint Committee



Today’s Baptists continue to see to it that a strong voice for religious freedom will be heard tomorrow. Recent gifts to the Baptist Joint Committee endowment campaign have pushed total gifts and pledges to **\$565,600**.

Reminder: The next \$11,000 in gifts will be matched as part of a \$25,000 challenge pledge from a retired Baptist minister.

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.
- ◆ E... sionary ention
- ◆ 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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Comments on Rep. Ernest Istook's proposed Religious Freedom Amendment:

Once again, the separation of church and state essential to American liberty is under assault in Congress. In a radical move that attracted little public notice, the House Judiciary Committee has approved a constitutional amendment that would effectively strip the promise of religious neutrality by government from the Bill of Rights.

... Fraudulently labeled the Religious Freedom Amendment, it would obliterate the First Amendment's vision of a tolerant nation where religion can flourish in the absence of excessive government entanglement. The amendment, which was drafted by Representative Ernest Jim Istook, Republican of Oklahoma, in collaboration with the Christian Coalition and others on the religious right, has inspired strong opposition from many religious leaders.

... A few House Republicans ... have warned that the amendment poses great dangers to the nation and to Republican hopes to be seen as "an inclusive national party." More such voices are needed to administer the decisive thrashing this amendment deserves.

— *New York Times*
March 15, 1998

America stands at a crossroad. One road was constructed by James Madison and Thomas Jefferson when our nation was founded. Another road is being prepared by Ernest Istook to lead our nation in a different direction.

The road that Madison and Jefferson built was founded on the Bill of Rights. The First Amendment to the Constitution guaranteed religious freedom for every citizen. ... Negotiating the First Amend-

ment road only required that travelers show common courtesy and simple respect to those traveling in divergent lanes and opposite directions on the same civil roadway.

... Congress is currently considering closing the Madison-Jefferson highway. Soon it will vote on Istook's Religious Freedom Amendment (H.J. Res. 78). This amendment redefines the meaning of religious freedom and replaces the First Amendment road with a narrow, hazardous detour to a one-way toll road. Istook's toll road is a political payoff to religious road hogs dissatisfied with the First Amendment. They resent rules requiring common courtesy and simple respect for the convictions of religious minorities.

... The real road to religious freedom is still the road that Madison and Jefferson built.

— *Bruce Prescott, Pastor*
Easthaven Baptist Church, Houston

There have been disputes about and varying interpretations of what the Supreme Court meant in its original ruling on government-sponsored prayer in the schools in *Engel vs. Vitale* in 1962 and in other rulings since. Misinterpretations have been unfortunate, but a constitutional amendment hardly seems the best way to correct misinterpretations or acts of ignorant or lazy school administrators who rule out all religious talk or observance without checking to see what is permissible. *The Baptist Standard* remains a strict advocate of the separation of church and state. The First Amendment has served us well. We don't need the Religious Freedom Amendment.

— *The Baptist Standard*
Newsjournal of the Baptist General Convention of Texas, April 22, 1998

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