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REPORT FROM THE CAPITAL

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NewsMakers

◆ **Robyn Byrd** of Dallas has begun a summer internship at the Baptist Joint Committee. A member of Cliff Temple Baptist Church, Dallas, she is a senior at Trinity University in San Antonio majoring in speech communication and Spanish.

◆ **Kweisi Mfume**, president of the National Association for the Advancement of Colored People, and Sen. **Edward M. Kennedy**, D-Mass., are recipients of the the Defender of Democracy Awards presented by People For the American Way. The award recognizes commitment to freedom of expression, freedom of religion, a quality public education and full participation in the political process.

◆ **Randy Tate**, executive director of the Christian Coalition, said the group plans to spend \$550,000 to push for passage of the Religious Freedom Amendment to the Constitution sponsored by Rep. Ernest Istook, R-Okla. The measure is expected to be voted on by the House of Representatives in early June.

◆ **Sue Misheff**, a tenured assistant professor of English at evangelical Malone College in Canton, Ohio, was forced to resign because of her pending conversion to Judaism. Faculty members are required to adhere to a statement of faith requiring them to "recognize Jesus Christ as their Lord and Savior." Δ

Civil rights panel discusses religion and public schools

Disputes over religious expression in public schools have diminished in recent years, but school officials and parents need more education on the topic, witnesses told the U.S. Commission on Civil Rights.

Fifteen religious and civil liberties leaders addressed the commission at a May 20 hearing on religion in the public schools. The commission will hold a second hearing on the issue June 12 in New York City and a third hearing June 23 at a site to be determined.

It is expected to release a report by the end of the year that will detail its findings and make recommendations to the administration and to Congress.

Michelle Doyle, liaison to the religious community for the U.S. Education Department, echoed President Clinton's words in saying that nothing in the First Amendment "converts our public schools into religion-free zones."

She said a letter from the head of the National School Boards Association credited guidelines issued by the administration with a drop in the number of inquiries on how schools should handle religious holidays.

Schools may neither discriminate against private religious expression by students nor endorse religious activity or doctrine, she said.

Oliver "Buzz" Thomas, special counsel for religious and civil liberties at the National Council of the Churches of Christ in the U.S.A., said that significant

progress has been made in how religion is treated in public schools.

"Certainly, problems of compliance remain on both ends of the spectrum," Thomas said. "Some districts continue to promote religion while others persist in discriminating against it. But overall, the



Equal Access Act, the First Amendment and related laws are being implemented and adhered to in a manner that surpasses that of any previous period in our history."

Thomas added, "The most important work remaining is education, not litigation."

Charles Haynes, senior scholar at the Freedom Forum First Amendment Center, also testified. Thomas and Haynes are working together in Alabama to educate teachers about the proper role of religion in public schools after a judge ordered schools to cease sponsoring religious activities.

"We have discovered that when tried, the First Amendment works," Haynes said, adding that "for too much of history, extremists have dominated this debate."

Haynes said improvements are needed, however. He said ignoring religion in textbooks and debates is not the approach schools should take. Government should remain neutral in matters of religion, he said, and "ignoring is not neutral."

He suggested that studies about religions should be part of school curriculum. Δ

"We have discovered that when tried, the First Amendment works."

— Charles Haynes

Conservatives among foes of Istook proposal

Rep. Ernest Istook's proposed Religious Freedom Amendment continues to draw opponents from conservative ranks.

Among the latest: Alabama Judge Roy Moore and Home School Legal Defense Association head Mike Farris. Moore, who defied a court order to remove the Ten Commandments from the courtroom where he presides, wrote Istook that the amendment could lead to the secularization of government, according to a news report broadcast on Pat Robertson's *700 Club*. The report said Farris is concerned that the amendment could be used to raise government interference in public life. Robertson called it "insanity" for evangelicals to be divided over the proposal.

The amendment would permit some forms of school-sponsored prayer and open the door for education vouchers and other government benefits to religious groups.

Commenting on the proposal recently in Washington, D.C., nationally syndicated columnist Molly Ivins read the religion clauses of the First Amendment and said, "We must assume that he (Istook) has perused the Constitution." She added, "James Madison and Thomas Jefferson thought that was pretty clear but brother Istook is still confused." Δ

Clinton vetoes D.C. voucher bill

As expected, President Clinton vetoed a bill that would have funded tuition vouchers to help a limited number of low-income students attend private and parochial schools in the District of Columbia.

The measure would have provided "opportunity scholarships" of up to \$3,200 for 2,000 low-income D.C. students. It was approved by the House of Representatives April 30 on a 214-206 vote, far short of the two-thirds majority needed to override a veto. It was approved by the Senate last year on a voice vote.

"This bill would create a program of federally funded vouchers that would divert critical federal resources to private schools instead of investing in public schools," Clinton said. Δ

Christian group's claim rejected by high court

The U.S. Supreme Court refused to hear a claim by a conservative Christian educators group that its First Amendment and equal protection rights were violated when its exhibit was removed from a workshop sponsored by a state-supported educational cooperative.

Two lower courts had dismissed the lawsuit filed by the Arkansas Christian Educators Association (ACEA) and its president, James L. Parsons. The Supreme Court, without comment, refused to review the case.

Parsons and his organization filed the complaint after his exhibit was removed from a workshop sponsored by the Ozarks Unlimited Resources Cooperative in August 1995.

After hearing complaints from participants that religion should not be part of the workshop and that Parsons' literature opposes the "outcome-based" education standards required by state law, Leon McLean, director of the cooperative, had the ACEA booth dismantled and removed.

Federal District Judge Franklin Waters ruled that the cooperative is an "arm of the state" and therefore has immunity from damages claimed in the lawsuit. He also said the workshop was not a public forum and that Parsons' free speech rights were not violated.

"The workshop was designed solely for training and discussion of topics related to implementing state mandated educational standards," Waters wrote. "It was not a

forum for individuals or organizations to express their views or beliefs." Δ

Community renewal backers seek legislative momentum

Sponsors of the American Community Renewal Act (ACRA) hope to generate more momentum for the measure than similar legislation enjoyed in the previous Congress.

The bill is designed to revitalize low-income communities through tax breaks and business incentives and to allow communities to fund faith-based drug rehabilitation programs.

Seeking to broaden support, ACRA sponsors removed a controversial voucher initiative contained in the previous bill.

However, the bill includes another provision expected to draw the criticism of groups favoring separation of church and state. The bill would allow up to 100 communities to give public grants and vouchers for drug addiction treatment that could be used at faith-based facilities that use proselytization as part of their treatment.

Sponsors say the plan would allow government to support programs that have a better track record of solving drug addiction problems.

Rep. J.C. Watts, R-Okla., a primary sponsor of the bill, said it would renew "our spiritual values, our economic values and our cultural values."

Rep. James Talent, R-Mo., said the voucher provision would be permissible because a recipient could choose where it is used. "If that's unconstitutional then putting your Social Security check in the collection plate is unconstitutional," he said.

But critics argue that government funding of religion, even in the form of a voucher, may create an excessive entanglement between church and state.

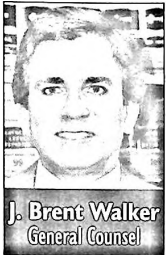
Melissa Rogers, assistant general counsel at the Baptist Joint Committee, said the proposal is a "far cry from an individual choosing to drop a Social Security check in the collection plate."

She said, "This is funneling tax money to churches and other thoroughly religious groups. This is not some random act."

Rogers added, "From the church's perspective, it is different to receive somebody's Social Security check in the collection plate than to receive government grants or vouchers that would come with government strings and regulations."

Sponsors say faith-based groups would not be allowed to require a beneficiary to participate in a service or program that is religious in nature. Δ

First Amendment working quite nicely, thank you



Attempting to amend the Constitution even for a good reason is serious business. Attempting to amend the Constitution without any reason is plain foolishness. But it looks as if the U.S. House of Representatives will do just that sometime

in early June. Rep. Ernest Istook and others offer 86 words to try to improve upon the elegant 16 words crafted by James Madison and other founders. Foolishness indeed.

Many believe the vote is timed to coincide with graduation season or, if delayed somewhat, the 4th of July. This is supposed to highlight how religion is getting short shrift in the public schools and in the public square. But events have conspired to provide an ironic twist.

First, although there is not a unanimous opinion on how best to do graduation ceremonies, it seems that most schools have fared very well this year so far. This column in the May 5 *Report from the Capital* outlines the many ways in which under present law religious speech can properly be included in the context of graduation and baccalaureate events.

Second, the Memorial Day concert on the National Mall, broadcast throughout the country on PBS, included religious music, speeches and themes. This is the same venue that witnessed the Promise Keepers rally and the Million Man March in recent years. So much for hostility to talking about religion in the public square. Far from being naked, the public square seems rather amply clothed.

Third, this last week the U.S. Commission on Civil Rights, of all agencies, conducted the first of a series of three hearings on religion in the public schools. The prepared statements of chairperson Mary Frances Berry made clear that the "Commission has a responsibility to ensure that the nation's civil rights laws with respect to schools and religion are being applied and carried out in a non-discriminatory

manner. Through this investigation, we also seek to determine if further actions are necessary to ensure non-discrimination." The commission heard testimony about the many ways in which students' exercise of religion is quite vigorously being accommodated in the public schools, but in a manner that does not connote state sponsorship. Of course, several witnesses testified about how we are missing the mark. True, we still have work to do, but we are moving in the right direction and we find examples on both sides. That is, while some schools fail properly to accommodate religion, others go too far the other way and promote majoritarian religion. The point is, we are doing right most of the time and making vast progress. We don't need to take a meat-ax to the First Amendment.

Fourth, and along the same lines, the Department of Education is doing its job. In 1995, at President Clinton's direction, the department issued guidance on religion in the schools to every school district in the country. This guidance was based not on some bureaucrat's idea of the proper relationship between church and state in the public schools, but on *Religion in the Public Schools: A Joint Statement of Current Law*, which the BJC and other religious groups published and President Clinton touted as a landmark and breakthrough document. Within the next week, Secretary Riley is expected to issue revised guidelines (reflecting the demise of the Religious Freedom Restoration Act and other changes) and to communicate these revised guidelines to the school districts in time to be used in the fall.

So, it should be clear to the casual observer that God has not been kicked out of the classrooms or banished from the public square. In fact, the present First Amendment quite adequately protects individually expressed religion in those venues. To the extent we miss the mark, the answer is more and better education. There's simply no need to amend the First Amendment for the first time in more than 200 years.

Foolishness indeed. Δ

Quoting

Americans already enjoy the liberty to worship freely and of not having to participate in religious activities in which they do not believe. And they have the liberty to not have their taxes pay for religious instruction with which they might disagree. These are the freedoms that would fall if the so-called Religious Freedom Amendment were passed.

Houston Chronicle
May 1, 1998

The language alone is a guarantee of endless litigation should the (Religious Freedom) amendment pass. The specific mention of schools is intended to "put prayer back in the public schools." The amendment may or may not put prayer back in the classroom but it certainly will put the lawyers there.

The nation already has a religious freedom amendment — the First Amendment of the Bill of Rights — and it has served this country well for 206 years. It does not need to be tampered with now.

— *Record-Courier*
Kent-Ravenna, Ohio

Baptist Joint Committee

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- ◆ 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
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- ◆ Southern Baptist state conventions/churches

REPORT FROM THE CAPITAL

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Religious freedom or religious tyranny

Can you imagine these groups agreeing on a religious issue? ... Unitarians, Brethren, Jews, Quakers, Baptists, Muslims, Episcopalians, Lutherans, Humanists, Mennonites, Adventists and Presbyterians.

They do agree! ... to practice their faith in keeping with the First Amendment (religious freedom) of the Bill of Rights. The First Amendment protects our right to gather and to practice our faith whenever we want with the assurance that government will not interfere. All of us may practice our faith in our homes, our yards, our cars and our schools — as long as we do not violate others' right to their freedoms. ... The First Amendment does not allow anyone to force his/her faith on you, and vice versa. The above groups agree to support the First Amendment. They also agree to stand in opposition to the current House of Representatives Joint Resolution 78 submitted by Rep. Ernest Istook and called the Religious Freedom Amendment. In effect, this resolution is an effort to put God in the center of political debate during the congressional election year. Already the lines are drawn to prove "one candidate more spiritual than another" according to his or her position on this resolution. ... It is a political effort to satisfy the religious right, and Christians should have nothing to do with it.

The Istook amendment has practically no chance of becoming a part of our Constitution. ... However, it will carry the worst-ever partisan spirit from Washington, D.C., to urban and rural America, including the churches. Many well-meaning Americans will not understand that those who shout the loudest about being Christian are acting the least



Ron Johnson

like Christ. Hearing the title Religious Freedom Amendment will be enough for some people to jump on board.

Passage of the Istook amendment would allow:

- State-sponsored religion in public schools;
- State-sponsored religion in public places; and
- State-subsidized religious activities.

The greatest personal blessing of the United States is the individual freedom to practice, or not practice, faith according to our conscience and belief. This is at the heart of freedom! The First Amendment has proven that for more than 200 years. By contrast the Istook amendment would harm religious liberty in America because it would deny that freedom to minorities.

... Saying YES to God is only valid when one may say NO without any threat from civil authorities. Forced faith is fake faith.

... The separation of church and state has allowed both to operate freely in their respective spheres. When neither impinges on the freedom of the other, freedom exists for both. Put church and state together and freedom is lost for both.

... Every Christian should feel strongly about the Istook amendment. Religious freedom is too valuable a gift to mess with. No one should be required by government to have anyone's faith crammed down his/her throat. Forced Christianity is unchristian. If I cannot appeal to your compassion, let me appeal to your selfishness with this thought: Things are changing, and whatever your belief, even if it is in the majority today, it may not be in the majority tomorrow. Δ

Excerpted from article by Ron Johnson, pastor of First Baptist Church, Portland, Ore.

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