



REPORT FROM THE CAPITAL

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NewsMakers

◆ **Charlie Condon**, South Carolina attorney general, released a nonbinding opinion to allow the posting of the Ten Commandments in the state's public schools. He said the displays must be part of an exhibit aimed at teaching about history, culture or law and would probably be unconstitutional if posted alone. "A public school is not a place of religion, but religion has a constitutional place in the public schools," Condon said.

◆ **Rwandan minister Elizabeth Ntakirutimana**, living in Laredo, Texas, was ordered by a federal judge to surrender to a Tanzania-based war crimes tribunal. The 73-year-old Seventh-day Adventist is accused of leading soldiers to his church where hundreds of people, mostly Tutsis seeking refuge, were slaughtered in 1994.

◆ **Alfred V. Covello**, a federal district judge in Hartford, Conn., has dismissed a lawsuit against Yale University by four Orthodox Jewish students who said Yale's housing policy violated their religious beliefs. At issue is a policy that freshmen and sophomores live on campus where single-sex suites sometimes leave male and female students sharing floors and bathrooms. The judge said it did not interfere with the students' rights to religious practice and ruled that Yale is a private, not a public, institution. Δ

House panel approves RLPA, strips major provision from bill

A bill designed to bolster religious liberty protections was approved by a U.S. House of Representatives panel Aug. 6 after one of its three major provisions was stripped.

The Religious Liberty Protection Act would bar state and local governments from unnecessarily interfering with religious practices. It relied heavily on Congress' spending and commerce powers. A separate provision protects against local zoning laws. RLPA was introduced after the Supreme Court invalidated parts of the Religious Freedom Restoration Act.

At a hastily called meeting of the House Constitution Subcommittee, lawmakers conceded to the demands of some conservative groups and took out the commerce provisions. RLPA supporters, including a coalition of more than 70 religious and civil liberties groups, were left scrambling to decide how to respond.

Following an Aug. 13 meeting, top officials in the Coalition For the Free Exercise of Religion, which helped draft RLPA, predicted the coalition would remain intact and said many conservative groups have long-supported the bill.

J. Brent Walker, general counsel of the Baptist Joint Committee, said the change is "disappointing," but necessary for the bill's passage in the House. "We want to restore religious liberty protections as quickly as possible. And it's not all that we wanted but half-a-loaf is better than no loaf at all. Now we'll focus on the Senate where the bill remains intact."

Subcommittee Chairman Charles Canady, R-Fla., said he removed the commerce provisions "reluctantly" because they "presented an insurmountable obstacle to the movement of this bill." He told reporters, "I'm trying to count votes here. I don't want to make this bill the enemy of what is possible."

"I don't want to make this bill the enemy of what is possible."

— Rep. Charles Canady
R-Florida

their individual faiths."

The changes were made after leading opponents of using the commerce powers, such as Concerned Women for America and the Home School Legal Defense Association, lobbied against RLPA, contacting GOP and other lawmakers.

Mike Farris, president of the home school defense group, said the commerce provisions would only protect the powerful religions and may threaten home schoolers with government regulation.

Oliver "Buzz" Thomas, special counsel at the National Council of the Churches of Christ in the U.S.A., said that unfortunately "a very vocal minority has had a disproportionate impact."

Barry Lynn, executive director of Americans United for Separation of Church and State, criticized the fact that only the spending and zoning provisions remained. "People whose rights we have all championed are left out in the cold because they do not claim any connection to federal assistance." Δ



Court upholds students' refusal to fund groups they oppose

The University of Wisconsin can no longer force students to pay an activity fee if students object to the ideologies of some of the groups funded by the fee, a federal appeals court has ruled.

Several evangelical Christian students sued the University of Wisconsin at Madison because they did not want their money going to groups such as those supporting gay and abortion rights.

"Forcing objecting students to fund private organizations, which engage in political ideological activities, violates the First Amendment," stated the 7th U.S. Circuit Court of Appeals in its Aug. 10 ruling. The appellate panel emphasized that the decision does not affect non-ideological or nonpolitical groups, such as student union or health centers.

"I am very pleased and very relieved," said Scott Southworth, one of the students who sued. "We were told, 'If you don't pay your fees, you're not going to graduate.'"

University spokesman Peter Fox said revising school policies for students to choose to fund certain groups would be "almost like having 150,000 students walking through a cafeteria line." Δ

Measure would deny visas to persecuting officials

U.S. travel visas would be denied to officials from foreign governments that endorse religious persecution under a Senate-approved amendment to the Department of Defense funding bill.

The measure, approved July 30 by a unanimous voice vote, would deny visas to officials from countries involved in either coerced abortion, sterilization, genital mutilation or religious persecution. It would also include provisions aimed at curbing religious persecution in China.

"By voting to deny visas to foreign officials involved in forced abortion or religious persecution, the United States has courageously taken a stand for the noble cause of human rights," said Sen. Tim Hutchinson, R-Ark.

The measure would require the U.S. State Department to raise, in multilateral forums, the issues of individuals imprisoned, detained, confined or otherwise harassed because of their faith by the government of China.

According to Hutchinson, sponsor of the amendment, it would also require the State Department to ask the Chinese government about the location and condition of individuals whom the State Department believes have been charged with crimes because of religious beliefs.

To become law, the amendment would have to remain a part of the Department of Defense Appropriations bill, which is awaiting a House-Senate conference. The visa measure is not in the House bill.

Religious persecution abroad has remained a high priority for several religious advocacy groups. The GOP leadership promised religious conservatives that the issue was a No. 1 priority at a September 1997 meeting in the office of House Speaker Newt Gingrich, R-Ga.

Rich Cizik, policy analyst at the National Association of Evangelicals, said the Hutchinson amendment did not constitute a fulfillment of the promise for a vote on the issue.

Cizik said it "doesn't substantively address the broader concerns about the process by which our government both comes to an acknowledgment of the facts of religious persecution and what it's going to do about them."

Two competing bills have emerged to address U.S. policy on religious persecution. The Freedom From Religious Persecution Act, approved by the House, would appoint an officer who could auto-

matically impose economic and other penalties against countries that permit religious persecution. The president could waive sanctions for national security reasons or to further the purpose of the bill.

The International Religious Freedom Act would establish a State Department office, an advisory committee and a White House adviser to monitor persecution. The president would have to choose from a list of sanctions and other penalties to impose on nations engaged in persecution. Δ

House adds voucher plan to D.C. appropriations bill

A controversial education voucher program once again threatens the appropriations bill for the District of Columbia.

The U.S. House of Representatives approved an amendment to the District of Columbia appropriations bill Aug. 6 that would provide 2,000 children from low-income families as much as \$3,200 to attend private and parochial schools.

President Clinton is expected to veto the appropriations bill.

The D.C. funding measure, which outlines how the nation's capital will spend \$6.8 billion federal and local dollars, was approved by the House Aug. 7. It includes \$485 million in federal funds.

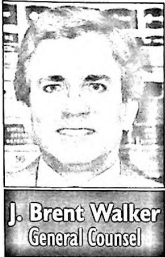
The \$5.4 million voucher provision, sponsored by House Majority Leader Richard Arney, R-Texas, passed on a 214-208 vote. Arney said it would give low-income families "the right and the privilege of seeking a better school opportunity for their children and moving their children to another school."

Rep. Rosa DeLauro, D-Conn., said Congress should be "creating academic opportunities for all students and not just a handful." She said the plan would provide vouchers to 2,000 students and leave 76,000 other students in public schools. "Vouchers will not solve the problems in our schools, they will create new ones," she said.

Several religious and civil liberties groups, including the Baptist Joint Committee, oppose vouchers and argue that they are an unconstitutional means of funding religion — whether the money flows directly to the school or indirectly through a parent endorsing a check to the school. Other religious groups support vouchers as constitutional.

The Senate is expected to take up the D.C. appropriations bill in September, and the voucher amendment is expected to be offered. Δ

BJC says 'yes' as often as 'no' in church-state debates



Melissa Rogers, associate general counsel for the Baptist Joint Committee, quite properly criticized a New York middle school teacher's handling of an admittedly difficult problem in this column of the July 7 *Report from the Capital*.

When asked by one of her students whether a friend who had recently drowned had gone to heaven, the teacher — Mildred Rosario — gave a lecture about getting saved and then proceeded to bless and pray over the members of her class.

After reading a reprint of Ms. Rogers' article in the *Religious Herald* (Virginia's state Baptist newspaper), A.C. Smith from Appomattox, Va., wrote a letter observing that "[m]ost of the time when we read in the press about the Baptist Joint Committee, we find they're opposing something. I think that the committee would have broader support if it had press releases about what it is for." Mr. Smith also asked for clearer lines to be drawn delineating the proper relationship between church and state.

Let me take this opportunity to tell you what the BJC is for in the context of religion in the public schools, which is only a narrow slice of our total work.

First, in the very article referred to, Ms. Rogers sympathized with the teacher's plight and applauded her good intentions. As Mr. Smith pointed out, she then went ahead to sketch out ways that Mrs. Rosario could have responded in a positive, sensitive and constitutional manner.

Second, I just returned from a four-day trip to Oklahoma, where I participated in the Freedom Forum's Finding Common Ground Project. My co-lecturer, Marcia Beauchamp, and I worked with teachers in the Sapulpa Oklahoma School District (just south of Tulsa) about how properly to include religion in the public school curriculum and how to be sensitive to the rights of students to exercise their religion without undue school interference. We

lectured for an hour and a half to a gathering of every teacher in the district, following up with a smaller question-and-answer session in the afternoon. We also spoke to a ministerial alliance meeting and a community forum at the First Baptist Church, Tulsa. The local NBC affiliate did an interview about the program, broadcasting the message throughout northeast Oklahoma.

Third, in June, I spoke at the Knight Center for Specialized Journalism at the University of Maryland to an audience of several dozen print journalists who cover education in newspapers across the country. There, too, I emphasized that public schools can be religion-friendly even while affirming the importance of the separation of church and state. When journalists have a better understanding of the proper relationship between religion and education, their readers will, too.

Fourth, the Baptist Joint Committee is working hard to convince Congress to pass the Religious Liberty Protection Act (RLPA), federal legislation that would have the effect of strengthening public school students' rights to exercise their religion freely. Since this legislation is based on Congress' spending powers and virtually all school districts get federal money, they will be obliged to demonstrate a compelling state interest before being allowed to burden a student's free exercise of religion.

Finally, the BJC was instrumental in passing the Equal Access Act under which student-led religious clubs are allowed to meet in secondary schools. We also helped draft *Religion in the Public Schools: A Joint Statement of Current Law*, which formed the basis of the Department of Education's religion-friendly guidelines that have been sent to school districts across the country.

In sum, it may not always be easy to draw a bright line between what is permissible and what is not in every circumstance. However, it is simply not fair to suggest that the BJC is always saying nay, rather than yea, as I hope this column amply demonstrates.

We'll continue to work to ensure that our yeas are heard as loudly as our nays in the public arena. Δ

Quoting

Every American who cherishes religious liberty owes the Baptist Joint Committee a deep debt of gratitude. The BJC played a key leadership role in protecting the Bill of Rights by working closely with members of Congress to defeat the ill-conceived Istook constitutional amendment. The BJC stands as a staunch guardian of the wall of separation that has protected Americans' religious freedom from government intrusion for over 200 years.

— Chet Edwards
U.S. Representative
D-Texas

Baptist Joint Committee

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- ◆ American Baptist Churches in the U.S.A.
- ◆ Baptist General Conference
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- ◆ 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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Book Review

Can a Good Christian be a Good Lawyer? Homilies, Witnesses, & Reflections

Thomas E. Baker and Timothy W. Floyd, editors (Notre Dame, Ind.: University of Notre Dame Press, 1998) 206 pp. \$20 paperback.



Thomas E. Baker and Timothy W. Floyd have compiled 21 deeply insightful essays addressing the spiritual elements of legal practice and the faith implications

of a vocation in the law. Responding to the widespread cultural perception that the legal profession and its practitioners are spiritually bankrupt, the contributors explore integrating personal convictions with everyday life, discuss why and how a lawyer's career choices impact his or her spiritual life and demonstrate how faith shapes legal practice.

The writers come from a wide range of Christian faith traditions and include a cross-section of legal specialists with varying degrees of national fame. They include Baptist Joint Committee friends like Mark Chopko, Marcus Faust and Bob Nixon, and such notables as Yale law professor Stephen Carter, Independent Counsel Kenneth Starr and author Joseph Allegretti.

The editors group the essays as "Homilies, Witnesses and Reflections," thereby exploring three different approaches to thinking about the interstices between faith and legal work.

"Homilies" survey the culture and popular perceptions of the law in broad sociological, philosophical and theological strokes.

In "Witnesses," writers share stories of when and how their legal work and their

faith inform one another; many of these essays debunk the contradictions popularly thought to form between faith and law.

In one deeply moving memoir, Joanne Gross, lawyer and Ursuline nun, recounts her order's efforts to oppose the death penalty for a young man guilty of murdering and raping a sister on convent grounds. Their principled stance against continuing the cycle of violence shook the judge, jury and opposing counsel and offered the defendant's family much-needed peace and support in their struggle.

"Reflections" lead the reader inward to evaluate personal faith issues and the spiritual implications of life in the law. Discussion highlights include the meaning and nature of "vocation"; the interplay between legal justice and notions of biblical and divine justice; the paradoxes inherent in keeping work from being either a curse or an idol; and the meaning of servanthood in a profession that celebrates masters of the universe instead of foot-washers. These essays reference other writings for further reading.

This book is intended not only for legal professionals, but also for those who consider law a potential vocation and for those who care for the spiritual development and well-being of lawyers. The authors' depth of reflection is the book's chief strength: "Personal narratives of others' successes and failures overcome" will inform the journey of any reader who, as the editors say in their preface, "struggle[s] to live out their beliefs in their work." Δ

— Holly Shaver

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