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REPORT FROM THE CAPITAL

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NewsMakers

◆ **James L. Williamson** and his wife, **Glenda Williamson**, are serving as scholars-in-residence at the Baptist Joint Committee. He is the Fred Hale Professor of Education and chair of the Department of Educational Administration at Baylor University in Waco, Texas. He has a long history of service in public education, including serving on the governance boards for the American Association of Colleges for Teacher Education and the Association of Supervision and Curriculum Development. Glenda is a former public school teacher.

◆ **Walker Knight**, veteran Baptist editor and publisher, has been selected to receive the 1998 Religious Freedom Award from Associated Baptist Press. Knight, 74, will be the fifth recipient of the award, which honors individuals whose achievements advance the practice and principle of religious freedom, particularly in the field of journalism.

◆ **Nawaz Sharif**, prime minister of Pakistan, has introduced legislation in Pakistan's parliament to establish Islam as the sole basis for the nation's legal system. Human rights activists and Sharif's political foes quickly condemned the effort. "In the name of Islam, Nawaz Sharif is trying to perpetuate a fascist rule," said **Asma Jehangir**, a lawyer and human rights activist.

Voucher foes ask high court to resolve constitutional issue



After consistently avoiding church-state cases during its past term, a major voucher dispute awaits the U.S. Supreme Court as it returns to the bench the first Monday in October.

Taxpayers and parents in Milwaukee, backed by civil liberties groups, have asked the high court to review and reverse the Wisconsin Supreme Court's decision upholding the extension of Milwaukee's voucher program to religious schools.

Under the program, up to 15,000 lower-income students can use vouchers to attend more than 100 private schools, most of them sectarian.

It is uncertain whether the high court will hear the case, but activists on both sides of the voucher debate are looking for the Supreme Court to settle the issue of whether vouchers for religious elementary and secondary schools are constitutional.

Pointing to the Supreme Court's 1973 decision in *Committee for Public Education vs. Nyquist*, voucher foes say taxpayer funding of religious elementary and secondary schools unconstitutionally advances religion.

But voucher supporters suggest the court has moved away from the view it expressed in *Nyquist*. They cite a string of more recent cases in which the high court has upheld programs that benefited students attending religious schools.

In those cases, voucher supporters

say, tax support of religious education is permissible if the aid is distributed neutrally among private, public and religious schools and if the tax support reaches religious schools only because of the decisions of parents.

But opponents of aid to sectarian schools say the dual test espoused by voucher supporters disregards the high court's long-stated view that government programs that have the "primary effect" of advancing religion violate the separation of church and state.

In their petition to the high court, voucher opponents say the Milwaukee program closely mirrors the plan invalidated in *Nyquist* and that the Wisconsin Supreme Court's approval of the plan is at odds with decisions against vouchers by the top courts of other states.

They also argue the high court should take the case to "answer the constitutional question that shrouds the national policy debate over voucher programs."

Noting that efforts to enact similar programs have been undertaken in at least 20 other states, the petition argues that all parties in the voucher debate want the constitutional issues resolved.

"If, as we believe, the Establishment Clause prohibits the use of public funds to pay for children to attend sectarian private schools, this court should reaffirm *Nyquist* now, so that those genuinely concerned with improving the quality of education in the United States will be able to re-focus their energies on measures that pass constitutional muster, and a needless, divisive debate between supporters of sectarian education and supporters of public education can be avoided," the petition urges. Δ

Uzbekistan clamps down on religious expression

A new law in Uzbekistan makes it illegal for anyone except a government-certified member of the clergy to talk about religion one-on-one in the mostly Muslim central Asian republic.

The new law, which took effect Aug. 15, also bans private religious instruction and churches with fewer than 100 members. Church leaders who fail to comply with the law face criminal charges that could lead to heavy fines and detention in labor camps or prison, according to the Brussels-based Human Rights Without Frontiers (HRWF).

The government also ruled illegal any existing religious organization that failed to register with the government by Aug. 15, the human rights group said.

The law — which is also aimed at curbing the spread of fundamentalist Islam — makes Uzbekistan the latest of the former Soviet republics to clamp down on religious expression.

The nation's 15,000 Protestants are preparing a campaign to protest the inevitable closure of most — if not all — of their churches. Δ

Independent counsel report delays religious liberty bill

A House Judiciary Committee session to vote on a bill designed to bolster religious liberty protections was postponed Sept. 10 after a much-anticipated report by Independent Counsel Kenneth Starr was referred to the panel.

The Religious Liberty Protection Act would bar state and local governments from unnecessarily interfering with religious practices. The bill was approved by a House subcommittee after lawmakers stripped protections relying on Congress' power to regulate commerce.

The changes were made to appease conservative groups such as the Home School Legal Defense Association and Concerned Women for America, which charged that the commerce provisions would only protect the powerful religions and would be an inappropriate tool to protect religion.

A staffer on the Judiciary Committee said that "everything is at a standstill" at the moment because of a "major constitutional crisis" related to the Starr report.

The House committee will determine if impeachment hearings are necessary after reviewing the report, which details charges of perjury, obstruction of justice, suborning perjury and abuse of power against President Bill Clinton. The charges surround Clinton's admitted "inappropriate relationship" with former White House intern Monica Lewinsky.

The committee aide said that the markup of RLP, as well as other legislation pending in the committee, may be postponed for only a week. "I don't think you can conclude that these bills will be abandoned," the aide said. Δ

Local school board sued by Robertson organization

Pat Robertson's American Center for Law and Justice (ACLJ) filed suit against a Louisiana public school board that refused the Christian Coalition access to facilities made available to other organizations, including some Christian groups.

The St. Tammany Parish School Board and its superintendent are defendants in the suit, which claims the board's "facilities-use policy" is discriminatory.

"This school district repeatedly discriminates against people of faith," said Stuart J. Roth, ACLJ southeast regional director.

"The law is very clear on this issue: If school officials permit other community organizations to use its facilities, they can-

not reject a request from an organization with a religious message," Roth said. "That kind of discrimination is blatant, wrong and unconstitutional."

In the past, the board permitted, among others, the Girl Scouts, the Knights of Columbus, the Fellowship of Christian Athletes and a Baptist church access to its schools, the ACLJ said.

But this summer, school officials repeatedly rejected requests by the local Christian Coalition chapter to hold a one-time meeting involving "praise and worship music, prayer and discussion of relevant topical issues" from a biblical viewpoint, the ACLJ said. The board contends that it has the discretion to decide what groups are allowed to use school facilities and that only those that directly benefit students — including, for example, church-sponsored athletic events — will be allowed.

This is the ACLJ's second suit against the St. Tammany Parish School Board. In April, suit was filed on behalf of Northpoint Community Church in Mandeville, La., after it was told it could not use school facilities during nonschool hours. However, the lawsuit was withdrawn after the church decided it no longer wanted to push the issue. Δ

Utah governor backtracks on defense of polygamy

Gov. Mike Leavitt, a Mormon who has come under attack from critics who say he has defended polygamy among Mormons, has backtracked and said the practice "is against the law, and it should be."

In July, Leavitt had said cases of human or civil rights violations involving polygamists should be prosecuted but the practice itself may be protected by the Free Exercise Clause of the First Amendment. He also acknowledged he had polygamous ancestors and said polygamists he knew as a child were "decent and hard-working."

His remarks drew fire from self-described victims of polygamy who urged him to enforce the laws against the practice of multiple marriages.

A debate about polygamy has flared up in Utah since reports earlier this summer of incest and child abuse within a polygamist group as well as reports of welfare fraud in another group.

Leavitt said the state would take on polygamists if they're abusing the system and cheating honest taxpayers. "The point is, we're not taking anything but a hard line on clear crimes," he said. Δ

Should inmates' religious liberty terminate at prison gate?



Do inmates forfeit the right to practice their religion?

The answer to this question may determine the fate of religious liberty legislation currently pending in the California and Illinois state legislatures. In response

to the U.S. Supreme Court's decision in *City of Boerne v. Flores* (striking down the parts of the Religious Freedom Restoration Act as unconstitutional), both legislatures recently passed bills requiring the government to avoid placing substantial burdens on religious practice in most cases.

The bills apply to everyone in the states, including prisoners. The laws apply to prisons in a special way — prison security could not be compromised and prison officials would be given the deference needed to run their institutions.

The governors of California and Illinois, however, have seen fit to question these legislative judgments. Illinois Gov. Jim Edgar used his amendatory veto power to exempt prisoners from coverage of the Illinois Religious Freedom Restoration Act (HB2370). Now the bill returns to the legislature where lawmakers must decide whether to override the governor's veto.

Meanwhile the California Religious Freedom Protection Act (AB1617) is currently on the desk of Gov. Pete Wilson, who must decide whether to sign the bill or veto it by the end of the month. Sources say that the governor is strongly considering vetoing the bill because it applies to prisoners.

Debate on the issue of prisoners' religious rights is long on law and order and short on both Christian responsibility and reasoned analysis.

Jesus instructed Christians to visit prisoners (Matthew 25:36). He had mercy on those who had broken laws,

shielding an adulteress from a violent mob, (John 8:1-11) and promising salvation to a penitent robber who was crucified next to him (Luke 23:43). More fundamentally, the Bible reveals that we are made in God's image, with the constant possibility of being redeemed.

Practically, this suggests that we should ensure that prison doors remain open to ministry. Within the limits of prison security, prisoners ought to be allowed to pursue their faith. This is essentially what the legislation in California and Illinois attempts to do. If prisoners are excluded from coverage of this legislation, they will have precious little protection for this fundamental right.

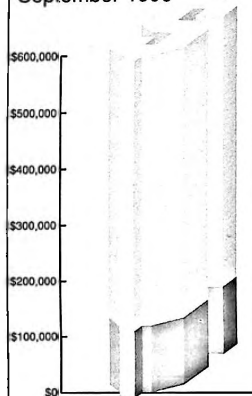
But won't this type of legislation open the floodgates to prisoner lawsuits? Actually, during the three and one-half years when the federal RFRA was in effect, Chuck Colson's Prison Fellowship found that prison RFRA litigation accounted for only .0825 percent of total prisoner civil cases in California and .2446 percent of total prisoner civil cases in Illinois.

Won't the legislation allow prisoners to insist upon many special privileges with dubious connection to religious observance? No. The legislation requires a claimant to prove that a religious practice is sincere and that it has been substantially burdened, rather than merely inconvenienced. Prisoners may make all kinds of requests, but under the terms of the law courts will ensure that only sincere, substantial claims that would not jeopardize prison security will be granted. And, we should not forget that when a hardened criminal becomes a committed person of faith in prison, everyone wins.

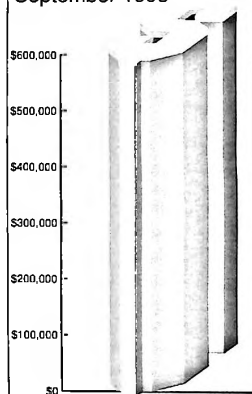
Christians should be at the forefront of those demanding religious liberty for all, including prisoners. And, no citizen need fear such legislation. Δ

Endowing the Baptist Joint Committee

September 1996



September 1998



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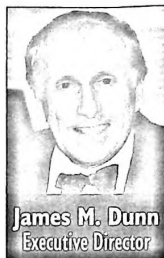
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attend.

The meeting will be in the Bloomsbury Central Baptist Church in central London, July 8-10, 1999. Registration will be 30 pounds sterling, or \$50, and will include two continental breakfasts, one lunch and one dinner.

Space available requires a limit of 200 full participants, though plenary sessions both evenings and at noon on July 10 will be open to visitors. The Cooperative Baptist Fellowship, the Baptist Joint Committee and various configurations of European Baptists will be the sponsors.

Objectives and the desired outcome of the international symposium on religious freedom and human rights include:

- ◆ a fresh approach to the historic Baptist Christian witness for human rights;
- ◆ an opportunity for networking with those who have a shared dedication to religious liberty;
- ◆ a written and recorded resource for those unable to attend the conference;
- ◆ exposure to organizational and human resources to undergird human rights and religious freedom;
- ◆ human rights building in the larger community; and

Hey! Let's go to London next summer.

There will be a gathering of those committed to religious liberty as a basic human right: moving from toleration to universal religious freedom. Here's an invitation to

- ◆ consideration of current challenges to religious liberty and human rights on the international scene.

Lonnie and Fran Turner, primary planners and Cooperative Baptist Fellowship missionaries in Brussels, Belgium, have written:

Why such a conference in Europe? We live in a global community that is interdependent. We believe God loves this world and we need to bring together members of the world community to dialogue about human rights/religious freedom. We in the United States must be willing to listen to others. We are not the only ones concerned about such issues. Our hope and prayer is that this conference will be about freedom/justice and seeking to build compassionate institutions that will bring about peaceful communities. The people we work and dialogue with have much concern about the issue of human rights and religious freedom. Such a conference can open doors to future dialogue. This is being done by CBF, BJC and the folks in Europe.

The BJC staff, with the help of consultant Doug Tipps, pastor of the First Baptist Church of San Marcos, Texas, lead conference efforts on this side of the Atlantic. Watch *Report from the Capital* for more details.

Plan to join us at Bloomsbury Central on Thursday evening, July 8, 1999, to hear Dr. Eileen Barker of the London School of Economics and Political Science survey the situation regarding religious freedom as a human right. Δ

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