



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **Harold Koh** was confirmed Oct. 21 as the new assistant secretary of state for Democracy, Human Rights and Labor. He told members of the State Department's Advisory Committee on Religious Freedom Abroad that their work "could not be more central to the work of the bureau that I have been asked to lead." Koh said that "nations obey international law when they internalize the norms. It seems to me there is no more powerful engine of internalization of norms than religion."

◆ **Barry Lynn**, executive director of Americans United for Separation of Church and State, urged the Internal Revenue Service to investigate a Baltimore Baptist group's promise to aid the re-election bid of Maryland Gov. Parris Glendening, a Democrat. An Americans United press release said the United Baptist Missionary Convention promised to aid Glendening's re-election effort "in return for taxpayer funding of various church-sponsored projects."

◆ **Ida L. Castro**, acting director of the Women's Bureau at the Department of Labor, was sworn-in as chairwoman of the U.S. Equal Employment Opportunity Commission. The commission enforces laws against discrimination based on religion, as well as other forms of employment discrimination. Δ

## State Department committee weighs religious persecution law

The U.S. State Department's Advisory Committee on Religious Freedom Abroad expressed qualified support for the recently enacted International Religious Freedom Act at a Nov. 4 meeting.

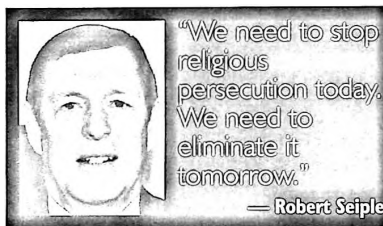
The new law establishes a nine-member commission to evaluate religious persecution abroad and to recommend penalties against countries that permit persecution. The president can take the recommendations of the committee, choose from a list of options detailed in the act or use the law's broad waiver authority to refrain from imposing penalties at all.

The advisory committee, established by President Clinton in 1996, expressed concern that the selection process of the new commission may create a partisan atmosphere. The president, the House and Senate will each select three members of the commission, with five selections coming from the president's political party.

Barnett R. Rubin, director of the Center for Preventive Action, said it appears the appointment process is set up "to undermine inclusiveness. Because, first of all, it's being done on a political party basis. That means five for one party, four for the other. Parties have to think about their constituencies, and their main constituencies are not minority religions in the United States."

Convener of the meeting Robert

Seiple, special representative for religious liberty at the State Department, agreed with advisory committee members. "We would liked to have seen a nonpartisan, nonpolitical commission, somewhat like we've had with this committee."



Seiple, who has been selected by the president to be the nonvoting ambassador of the nine-member commission, said his office is in the process of listing names for the pres-

ident and influencing the people close to the appointment process in Congress. "This is a big deal. If the process is good, the product may also be good."

He applauded the consensus reached in Congress over the final changes in the law. "This process has been an example of a mature democracy at work from start to finish. ... My optimism continues to be that by the time we are in the second or third meeting of the commission, we will be talking with statesmen."

He said the law will promote religious freedom. "Our human rights, in this case religion, will be unavoidable in the transaction of bilateral relationships."

He added, "We need to stop religious persecution today. We need to eliminate it tomorrow." He said the first part is covered by the law but noted it does not address the causes of religious persecution. "We don't have anything in the bill that talks about sustainable solutions for the future — deep societal change that can be sustained." Δ

## Robertson group wants tax status of church restored

The American Center for Law and Justice has asked a federal court to reinstate the tax-exempt status of a New York church that ran ads opposing the candidacy of Bill Clinton in 1992.

The Internal Revenue Service revoked the tax-exempt status of the Church at Pierce Creek in Binghamton, N.Y., in 1995. The IRS action followed its investigation of ads placed in two newspapers that suggested that a vote for Clinton was a sin because as Arkansas governor, Clinton supported homosexuality, abortion and the distribution of condoms to public school students.

Jay Sekulow, the ACLJ's chief counsel, told a federal judge the IRS "unfairly targeted this church and engaged in a two-year campaign to harass, intimidate and stifle the free speech" of the New York church and its pastor.

"The law is very clear," said Sekulow. "Churches and pastors do have the right to address issues like homosexuality and abortion from a biblical perspective. There is nothing in the tax code that prohibits a church or its pastor from addressing these moral issues. However, churches must avoid the appearance of endorsing or opposing candidates." ▴

## Chinese Christians seek 'accurate portrayal' of life

Christians in China are "terribly offended" at reports of widespread religious persecution in their nation, said the leader of a U.S. religious delegation returning from an eight-day visit to China.

Chinese Christians asked the seven-member delegation from the National Council of Churches "to advocate for a more accurate portrayal of their situation," said Joan Brown Campbell, the ecumenical organization's general secretary.

Particularly damaging, Campbell said, are accusations that people who attend China's registered churches aren't really Christians. "That's so insulting," she said. "Of course they are real Christians."

"Are there regulations to be observed by churches in China?" she asked. "Yes, and by all organized bodies. Are the regulations onerous and restrictive? Sometimes. Many of them we would not accept in our country. Are laws guaranteeing religious freedom unevenly applied? Yes."

But overall, Campbell said, the group witnessed Oct. 8-15 a Chinese church marked by rapid growth and increasing vitality. "These people deserve our support," she said.

The delegation's program included briefings by the China Christian Council and discussions with the U.S. Embassy officials in Beijing. They visited Yenjing Seminary in Beijing and had meetings with top Chinese officials and the Chinese Academy of Social Sciences. They were received by Chairman Li Ruihuan of the Chinese People's Political Consultative Conference and Yeh Xiaowen, director general of the Religious Affairs Bureau.

China's Protestant Christians numbered about 700,000 in 1949. When the Cultural Revolution struck in 1965, "the church disappeared for more than 10 years," said Albert Pennybacker, NCC associate general secretary for public policy and a member of the delegation. "Its leaders were taken into custody. Its church buildings were confiscated and closed," he said. "Now the China Christian Council tells us that they count 11 million Christians, 12,000 registered churches and at least 25,000 'meeting places,' which may use private homes."

The NCC delegation raised two particular cases with government officials.

They advocated the release from prison of Father Su Zhimin, a 65-year-old Roman Catholic bishop who has spent off and on a total of 20 years in prison and is reported

to have been subjected to abuse while in prison.

They also sought increased tolerance of groups such as one that has come to be known as "The Shouters."

"In China the image of religion, from Buddhism and Taoism, is quiet meditation," said Ambassador Andrew Young, a member of the delegation. "The Shouters believe if you're not hysterical you're not saved. We made the point that there's a place in Christian experience for that kind of emotional religious expression."

## Voters defeat parochial aid, support Alabama RFRA

An Alabama measure, amending the state constitution to include heightened protection for religious liberty was approved by voters Nov. 3, while Colorado voters turned back a tax-credit plan to aid private and parochial schools.

With 88 percent of Alabama precincts reporting, the Religious Freedom Amendment had the support of 54 percent of voters, while 46 percent opposed it.

Patterned after the 1993 Religious Freedom Restoration Act — which was partially invalidated by the Supreme Court last year — the state amendment would prohibit government from "the burdening of the freedom of religion unless the government demonstrates that it has a compelling reason to do so and that the interest is achieved by the least restrictive means."

Religious leaders in several states are seeking to enact state versions of RFRA after the Supreme Court ruled that Congress lacked the authority to impose the federal law on the states.

Historic preservation groups opposed the Alabama initiative, charging that it would create a system whereby churches are exempt from rules that others must obey.

In Colorado, voters soundly defeated a constitutional amendment that would have given tax credits to qualifying parents of students in kindergarten through 12th grade, with top priority to families whose children transfer from low-performing public school districts to private schools.

According to *The Denver Post*, a half-dozen states have tax credits, tax deductions or voucher programs for education, but none as broad as the program proposed by the Colorado ballot measure. Opponents described the tax incentive as a "back-door voucher." ▴

# Politicians' election-eve visits to churches usually a bad idea



Melissa Rogers  
Associate General Counsel

The election year has treated us once again to autumnal rites of passage for politicians — posting signs, raising money, slinging mud and visiting churches. The last two Sundays preceding the off-year elections

have brought a multitude of smiling, hand-shaking politicians to our houses of worship. Some of these candidates are regular worshippers, seizing invitations to make the rounds to neighboring churches. Other candidates couldn't find the sermon text or sing the doxology if their lives depended on it.

Why are most of these election-eve church visits a bad idea? An obvious reason is that the tax code absolutely forbids tax-exempt organizations, including houses of worship, from endorsing candidates for political office. Tax-exempt organizations are certainly permitted to address issues of public importance in the church and may even do some lobbying on legislation with their elected representatives. But they are completely banned from participating or intervening in political campaigns on behalf of or in opposition to any candidate for public office.

Even though most ministers are savvy enough to stop short of endorsing candidates from the pulpit, election-eve visits to churches are questionable under the tax code. The visits raise questions because usually only one candidate is invited to the worship service, not his or her opponent. Also, while there may be talk about turning out the vote (a legal, appropriate activity for tax-exempt organizations), there is also usually plenty of praise for one candidate's positions and denigration of the other's.

But even if there was no legal prohibition on candidate endorsement by tax-exempt organizations, most of these

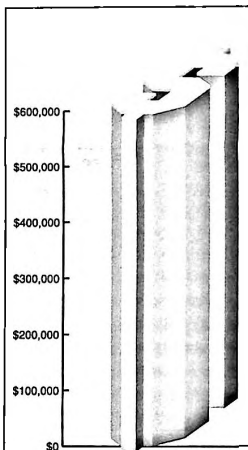
October/November church visits still would leave a bad taste in your mouth. They inject a dose of partisan politics where it doesn't belong — the sanctuary. They send the message that God really is a Democrat or a Republican and that true believers will get in line behind the godly candidate or risk heresy. This is not only wrong, it has the predictable effect of dividing a congregation. Rare is the congregation that reflects a uniform political consensus.

Additionally, it's obvious that many candidates visit houses of worship in autumn not for spiritual reasons or identification with any particular congregation. Rather, they flock to churches because of the calendar and the political catnip of a large captive audience. During the services, many candidates take the opportunity to cloak themselves in convenient religiosity. It's not that candidates can't ever address a church body shortly before the election with pure intent, but the timing of the visit suggests that there is a heavy burden to demonstrate that the true aim isn't campaigning.

Houses of worship shouldn't allow their pulpits to be used for electioneering. The tax violation, if ultimately pursued by the IRS, would be theirs to bear. And, the misuse of the pulpit is their miscalculation.

But it would be refreshing if more candidates took it upon themselves to forebear from using churches in this way. It would be nice if they recognized a pulpit as sacred space. It would be admirable if they refused to participate in the creation of a possible tax problem. And, it would be wonderful if, upon a visit to a church on the eve of an election, they took a seat in the back and, just for an hour or two, became more parishioner than politician. Δ

## Endowing the Baptist Joint Committee



### Endowment drive passes \$594,000

Recent gifts and pledges moved the Baptist Joint Committee's endowment to within \$5,400 of the \$600,000 goal.

As you plan year-end gifts for 1998, why not make a lasting investment to bring a uniquely Baptist witness to the principle that religion must be freely exercised, neither advanced nor inhibited by government?

## Baptist Joint Committee Supporting Bodies

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- ◆ American Baptist Churches in the U.S.A.
- ◆ Baptist General Conference
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- ◆ National Missionary Baptist Cor.
- ◆ North American Baptist Conference
- ◆ Progressive National Baptist Convention Inc.
- ◆ Religious Liberty Council
- ◆ Seventh Day Baptist General Conference
- ◆ Southern Baptist state conventions/churches

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Brian L. Harbour

Roger Williams believed that the civil authorities had no jurisdiction over the conscience in religious matters, that there is a "hedge or wall of separation between the garden of the church and the wilderness of the world." He understood that freedom of religion was only possible in a context that also provided freedom from religion.

Roger Williams' idea, which was rooted in a proper understanding of faith and a realistic understanding of government, eventually won the day and was woven into our heritage in the First Amendment, which guarantees freedom of religion.

But now, in our day, we have come full circle. Among evangelicals today, we hear suggestions that the separation of church and state is not only irrelevant but also irreverent. One well-known Baptist leader said in a television interview in 1984 that the idea of the separation of church and state was "the figment of some infidel's imagination." That opinion is gaining ground today even among Baptists.

Why should we resist the current temptation to jump on the bandwagon of those who want to disregard this concept of separation and instead, merge church and state into a new unit of power so we can impose our understanding of faith and establish our system of ethics?

Separation of church and state is still important *because of the nature of faith*. Faith has to be freely chosen or it is not genuine faith.

Roger Williams put it like this: "The civil sword may make a nation of hypocrites, and anti-Christians, but not one Christian."

When the government gets involved in the propagation or the prohibition of religion, it will distort the meaning of faith.

The separation of church and state is important *because of the nature of government when under the control of religion*. When religion controls government it has not been a pretty sight.

Roger Williams' biographer notes that those who use legislative authority to dominate the consciences of people "become, through their ill-conceived and misguided zeal and devotion, the real perverters and corrupters of religion."

When government gets involved in the propagation or prohibition of religion, it will not only distort the meaning of faith, it will pervert the purpose of government which is to create a stable society.

Separation of church and state is important *because of the nature of our world*. The United States has become a kaleidoscope of different races and religions. Hundreds of different religions are practiced among various ethnic groups. If religion is to be in charge of our government, a valid question is: Whose religion? Mormon or Methodist? Buddhist or Baptist? If Baptist, what kind of Baptist?

The only way to prevent one religion after another from controlling the others by the use of the government's power is to keep a wall of separation between the religious and civil realms. When the government gets involved in the propagation and prohibition of religion, it will deny the basic right of freedom to the citizens of our country. Δ

Brian L. Harbour is pastor of First Baptist Church, Richardson, Texas. This article is adapted from a sermon preached by Dr. Harbour on July 5, 1998.



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