



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **The Dalai Lama**, spiritual leader of Tibetan Buddhism, said distrust between himself and China officials is too deep to reopen Tibetan autonomy talks now, despite recent Chinese overtures suggesting otherwise. The Dalai Lama said President Clinton assured him that U.S. officials would continue to raise the status of Tibet with Chinese officials "at every opportunity."

◆ **Minnesota Gov.-elect Jesse Ventura**, a former professional wrestler, says he opposes school vouchers. In campaign position statements, Ventura said that instead of giving families vouchers, tax credits or deductions for private schools, "I believe we should be supporting our public school systems. ... Instead of bashing our public school system, we should be identifying what works and why it works."

◆ **President Bill Clinton** issued a statement in coordination with the International Day of Prayer for the Persecuted Church, saying that "when we keep in our thoughts the noble struggle for religious freedom of people of all backgrounds, whether Muslim, Christian, Jewish, Buddhist, Hindu, Taoist, Baha'i or of any other faith, we remember the words of the American Founding Father James Madison who called religious liberty the 'luster of our country.'" Δ

## High court refuses to review Milwaukee voucher program



**T**he U.S. Supreme Court refused Nov. 9 to hear a challenge to Milwaukee's voucher program.

By sidestepping the dispute, justices put off for another day a bright-line ruling

on whether the use of vouchers to pay for parochial school tuition violates the separation of church and state.

Left intact was a Wisconsin Supreme Court decision that upheld the inclusion of religious schools in Milwaukee's voucher program.

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

The 1995 expansion of the voucher program to include religious schools was challenged by Wisconsin taxpayers and several civil liberties groups.

Two lower courts ruled that the program violated church-state provisions of the Wisconsin Constitution, but the state's top court disagreed, holding that the program offends neither the state nor federal constitutions.

The Wisconsin Supreme Court said the voucher program does not have the primary effect of advancing religion because it "places on equal footing options of public and private school choice, and vests in the hands of parents to choose where to direct the funds allocated for their children's benefit."

The Milwaukee case was closely watched to see if the Supreme Court would settle the debate over whether vouchers for religious elementary and

secondary schools are constitutional.

Jay Sekulow, chief counsel at Pat Robertson's American Center for Law and Justice, said the high court sent a "clear signal to other school districts and communities who want to put educational choice back in the hands of parents."

Voucher opponents called the refusal to review the case disappointing but insisted it set no nationwide precedent.

"This action by the court means only that Milwaukee's program may proceed," said Barry Lynn, executive director of Americans United for Separation of Church and State. "It does not amount to a high court blessing of tax aid to religious schools."

Voucher cases are pending in Maine, Ohio, Vermont and Pennsylvania. "Sooner or later the Supreme Court will have to deal with the issue of vouchers," Lynn said. "The justices took a pass today, but they cannot dodge the issue forever."

J. Brent Walker, general counsel at the Baptist Joint Committee, noted that the high court is "as cautious as it is conservative" in avoiding constitutional issues until forced to decide them.

"Obviously, we are disappointed that the misguided decision of the Wisconsin Supreme Court still stands," Walker said. "But the Supreme Court's refusal to review does not mean it agrees with the decision or create any legal precedent beyond the borders of Wisconsin."

Voucher opponents have argued the Milwaukee program closely mirrors the plan invalidated by the high court's 1973 ruling in *Committee for Public Education vs. Nyquist*. In that case, the high court invalidated direct grants to religious schools and reimbursement of religious school tuition. Δ

## Texas Baptist CLC gives service award to BJC's Dunn

James M. Dunn, executive director of the Baptist Joint Committee, received the Texas Baptist Christian Life Commission's 1998 Distinguished Service Award at the annual meeting of the Baptist General Convention of Texas in Houston.

In presenting the award, Texas CLC Director Phil Strickland said Dunn should be added to the list of Baptist freedom fighters such as Roger Williams and George W. Truett.

Dunn, who is leaving the BJC executive director post by September 1999, told Texas Baptists that the BJC "is your Washington office." Dunn will remain with the agency on a part-time basis and will also be a visiting professor of Christianity and public policy at the Wake Forest Divinity School in Winston-Salem, N.C.

Dunn said, "There are all sorts of people whose religious liberty we support. Some of them are as nutty as a fruit cake, but when anyone's religious liberty is denied, everyone's religious liberty is endangered."

In another matter at the Texas meeting, delegates soundly defeated an attempt to defund the BJC. The Southern Baptist Convention defunded the BJC in 1992, but the BJC has remained in the BGCT budget for \$63,000 annually.  $\Delta$

## Russia's minority faiths react to U.S. persecution law

A new U.S. law aimed at punishing governments that restrict religious freedom has met with a mixed response from leaders of minority faiths in Russia.

"Our feeling is that it is better to work quietly in the background with influential thinkers and opinion makers and help them understand the value of religious freedom rather than beating them over the head with the threat of taking away aid," said Donald Jarvis, who heads the Church of Jesus Christ of Latter-day Saints' mission in the Russian region of Yekaterinburg.

The International Religious Freedom Act, recently signed by President Clinton, includes a range of possible actions, including economic sanctions, against countries found to be oppressing religious expression.

In Russia, minority religions are especially vulnerable after last year's enactment of a religion law that has the potential to restrict severely their activities. To date, that has not happened, but some religious leaders fear the ongoing crisis and the new political influence of old Communists and nationalists could lead to less tolerance of non-traditional faiths.

The U.S. law establishes a 10-member commission on religious liberty to investigate incidents and mandates the creation of an ambassador-level post in the State Department for monitoring religious freedom. A yearly, country-by-country report will require more detailed assessments by U.S. embassies around the world.

This bureaucratic enshrinement, one Western diplomat in Moscow who specializes in religious affairs said, means that the religious freedom issue will develop a staying power it never previously had.

"Just like the (U.S. State Department's) human rights report has become an institution and it is recognized as one of the most important human rights documents to come out every year, I would expect the same thing could happen with religious freedom," said the diplomat, who asked not to be named. "Every year, the report generates attention, new stories."

The secretary at the Holy See's diplomatic office in Moscow, the Rev. Marek Solezynski, said he was not optimistic the U.S. law would have much of an impact on protecting the rights of Catholics in Russia.

"What can the U.S. do? They can pass that kind of law and then curtail aid," said Solezynski, a Polish citizen. "But often,

like in China, they consider the business interests first. A law is only a law and then there are the politics."  $\Delta$

## Black church group, FEMA join to fight church arson

Officials of the Congress of National Black Churches and the Federal Emergency Management Agency signed a memorandum of understanding Nov. 5 to work together on arson prevention measures aimed at congregations in the South.

"We are moving toward enhancing arson prevention both for the churches and possibly for the individual members at home," said Carrye Brown, administrator of FEMA's U.S. Fire Administration.

Brown said she hoped the in-kind contributions "worth at least \$50,000" will help inform African-Americans, who are statistically much more likely than others to suffer fire deaths or losses.

Sullivan Robinson, the congress' executive director, said the arson prevention materials distributed through the joint effort will include practical tips and videos on how to prevent arson in existing church structures and those under construction.

"It is our plan to reach 100,000 churches in each of the six most heavily hit states," she said. Those states are South Carolina, North Carolina, Tennessee, Arkansas, Texas and Florida.

The work with FEMA continues the congress' \$12.8-million initiative to rebuild churches that have burned in a spate of arsons. The initiative also seeks to prevent church arson and promote ecumenical and multi-racial relations.  $\Delta$

## China arrests 140 members of underground church

Chinese police have arrested more than 140 members of underground Protestant churches in what one dissident says is a new crackdown on unregistered worship.

The worshipers were arrested at unregistered church services on Oct. 26 and Nov. 5 in two separate places in central Henan province, according to dissident church sources.

After jailing the worshipers, police beat at least 13 — identified as leaders, according to the New York-based Human Rights in China group. Their fate, according to a letter from a member of one of the churches, remains unknown. China forbids worship in churches that are not approved by the state.  $\Delta$

# What do YOU think?



## Dear Readers:

I regularly use this space to tell you what I think. This time, I'm using it to ask you to tell me what you think ...

## About BJC Philosophy

The Baptist Joint Committee should: (check one)

- ☐ Be more about church-state separation.
- ☐ Be more about free exercise of religion.
- ☐ Keep its present posture.

## About Emphasis

The Baptist Joint Committee should spend more of its always limited resources on: (Rank 1-10, 1 being most important.)

- |   |  |
|---|--|
| <input type="checkbox"/> Student recruitment            | <input type="checkbox"/> Secular media                   |
| <input type="checkbox"/> <i>Report from the Capital</i> | <input type="checkbox"/> Fund-raising                    |
| <input type="checkbox"/> Regional conferences           | <input type="checkbox"/> Religious Liberty Council       |
| <input type="checkbox"/> National conferences           | <input type="checkbox"/> Legal involvement               |
| <input type="checkbox"/> The BJC website                | <input type="checkbox"/> Coalitional legislative efforts |

## About *Report from the Capital*

Give us more: (1-10)

- |  |  |
|--|--|
| <input type="checkbox"/> Legal analysis    | <input type="checkbox"/> Book reviews          |
| <input type="checkbox"/> Editorial comment | <input type="checkbox"/> Baptist distinctives  |
| <input type="checkbox"/> News              | <input type="checkbox"/> Personality profiles  |
| <input type="checkbox"/> Interpretation    | <input type="checkbox"/> International reports |
| <input type="checkbox"/> Guest views       | <input type="checkbox"/> Reader feedback       |

## About Funding

Here is a potential like-minded resource the BJC may have overlooked:

- A church: Name \_\_\_\_\_  
Address \_\_\_\_\_
- A family foundation: Name \_\_\_\_\_  
Address \_\_\_\_\_
- An individual: Name \_\_\_\_\_  
Address \_\_\_\_\_

## About the Next Executive Director

He or she should be primarily a: (Rank 1-10)

- |  |  |
|--|--|
| <input type="checkbox"/> Scholar       | <input type="checkbox"/> Publicist           |
| <input type="checkbox"/> Lawyer        | <input type="checkbox"/> Political scientist |
| <input type="checkbox"/> Preacher      | <input type="checkbox"/> Spokesperson        |
| <input type="checkbox"/> Educator      | <input type="checkbox"/> Organizer           |
| <input type="checkbox"/> Administrator | <input type="checkbox"/> Fund-raiser         |

Here's my nomination for the next executive director:

- Name (position) \_\_\_\_\_  
Address \_\_\_\_\_  
Why he/she would be good for the job \_\_\_\_\_

## About Coming Events

I'd like more information or help with:

- ☐ The Truett Seminary Conference, Waco, Texas, March 22-23, 1999, *Pitfalls to Avoid as Seen from the Pulpit: Church-State Issue and the Local Church.*
- ☐ The London Conference, London, England, July 8-10, 1999, *Beyond Mere Toleration: Religious Liberty as a Basic Human Right.*

## A further word ...

Every year about this time we ask you for dollars. This year we beg for your thoughts as well. It's an unscientific survey because only those with time, interest and a 32-cent stamp will respond. It could be useful, however, since faithful readers are now distributing 50,000 booklets marking the 50th anniversary of the Universal Declaration of Human Rights. You also have built a \$600,000 endowment since 1996, with appeals appearing almost exclusively on this page.

No doubt, you need more space than you find on this page. And we may have missed your concern altogether. Write as much as you like. I promise to read it.

So don't forfeit your right to gripe by failing to respond. After all, it's your *Report from the Capital*. It's your religious liberty.

## 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.
- ◆ National Missionary Baptist Convention
- ◆ 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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The United States Supreme Court's decision not to review a Milwaukee case involving taxpayer-paid vouchers for religious schools sidesteps one of the most contentious political issues of the day. The Court's refusal to take up the case does not signal approval of the Milwaukee scheme. But the Court's silence leaves in place a plan that will directly harm the vast majority of the city's schoolchildren, namely those left in Milwaukee's public schools while others flee to the voucher program. The Court's denial of review will also embolden voucher supporters elsewhere to adopt similar plans that would funnel public money into religious and private education.

The question of what kinds of public support for parochial education violate the Establishment Clause of the First Amendment remains a murky area of constitutional law. Some recent Supreme Court cases have upheld limited types of public aid to students in church-run schools, but the Court has never overturned its 1973 decision that banned publicly financed tuition rebates to religious-school students. That decision remains a bulwark against religious-school vouchers. The Court could have done the nation an important service by reaffirming that ruling and striking down the Milwaukee voucher scheme as unconstitutional.

The Supreme Court will not be able to dodge the question for long. Other voucher cases are pending in several states, including Ohio, Vermont and Arizona. This summer a Federal judge in Maine rejected the public financing of religious school vouchers. The high court will have to reconcile these conflicting rulings eventually.

Even aside from the First Amendment problem, the Milwaukee plan is deeply flawed. Many city schools are doing a poor job, but the voucher plan will do little to improve them. Indeed, it transfers funds out of desperate public schools for the benefit of

private education. This year, 5,800 low-income students out of 100,000 students in Milwaukee got vouchers worth \$4,900 per student to attend private and parochial schools. That money came from funds that would have gone to the public system. Worse, more than a third of the students getting vouchers were already enrolled in private or parochial schools. The vouchers merely gave them a subsidy at the expense of public schools.

The vouchers may well help some students, but at the expense of the majority. The Milwaukee program is capped at roughly 15,000 students, or about 15 percent of the public school enrollment. That means that even if parochial and private schools could expand to take the maximum number of voucher-bearing students, 85,000 students would be left in a troubled and even weaker public system. The potential loss to Milwaukee public schools in money siphoned off by vouchers could be more than \$70 million a year. It would be far better to increase public school funding to improve education for all the students.

Vouchers are passionately defended by many who do not support or have given up on the ideals of public education. But the fact remains that public schools will continue to educate most Americans well into the next generation and probably beyond. It is absurd to argue that public education can be improved by diverting huge amounts of tax revenue into parochial and private schools. A voucher plan, such as Milwaukee's, does not reform anything. It is a funding mechanism that forces taxpayers to underwrite religious and private education. Improving education for all students, not just the few who manage to get vouchers, requires sustained community commitment and leadership. Vouchers are a convenient political diversion from that task.

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