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REPORT FROM THE CAPITAL

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NewsMakers

◆ Sen. Gordon Smith, R-Ore., said during a U.S. State Department discussion on religious freedom in Russia that some will criticize America for its own imperfections in dealing with religious freedom. "While our country does not promote religious freedom perfectly, we do represent and stand for a perfect principle," he said.

◆ B.P. Singh, India's senior Interior Ministry official, pledged to investigate cases of forced conversions of Christians, who represent about 2.3 percent of India's population. Denying bias against non-Hindu minorities, Indian Prime Minister Atal Behari Bajpayee said there "is no place for religious bigotry and communal violence in a country like ours." Violence against the minority communities "must be dealt with sternly," he said.

◆ White House spokesman Joe Lockhart welcomed Cuba's recent reinstatement of the Christmas holiday as something Cubans "deserve and appreciate." It remains to be seen, he said, whether "the arrival of Santa Claus brings any kind of the human rights and political freedoms we've been calling for for so long." U.S. State Department spokesman James Rubin also welcomed the return of the Christmas holiday but said Cuba still is not considered "a haven for religious freedom." Δ

105th Congress makes history with religious liberty votes



Though not from lack of effort, the 105th Congress did little to alter the boundaries separating church and state.

The concept of the separation of church and state "did pretty well considering the make-up of the Congress," said Rob Boston, a spokesman for Americans United for Separation of Church and State. "The most radical attacks on it did not pass. But what is disturbing is the fact that they are being proposed with such vigor."

He said the religious liberty highlight of the outgoing Congress was the defeat of the "so-called Religious Freedom Amendment." For the second time since passage of the Bill of Rights, the House of Representatives voted on a measure to alter the religious liberty protections in the Constitution. It failed to receive the two-thirds vote necessary for passage but received the support of a majority of House lawmakers.

Offered by Rep. Ernest Istook, R-Okla., the amendment would have allowed some forms of government-sponsored prayer and tax-financed religious education and activities.

In addition to the defeat of the Istook proposal, Baptist Joint Committee General Counsel J. Brent Walker touted passage of bills protecting charitable donations and religious liberty abroad.

The Religious Liberty and Charitable Donation Protection Act, signed into law in the summer, will protect tithes and

other charitable donations from bankruptcy laws. Also signed into law was the International Religious Freedom Act, which establishes new entities to monitor religious persecution abroad and gives the president flexibility in imposing penalties in response to persecution.

Walker warned, however, that "pressure is building for voucher schemes to funnel tax dollars to religious education and church-based social services."

Passage of a D.C. voucher measure marked the first time that a bill providing tax dollars for tuition at private and parochial schools cleared Congress. President Clinton vetoed the measure.

"Vouchers used to be voted down routinely and now they're passing the Congress, and the only thing that is keeping them from becoming law is Clinton's veto pen," Boston said.

Another church-state hot spot is the debate over government funds for faith-based social services. Modeled after the "charitable choice" part of the welfare reform package, the plans would allow tax money to flow directly to pervasive sectarian groups such as churches.

"Lawmakers on both sides of the aisle are rushing to support these plans with very little concern for the separation of church and state," Boston said.

Walker said Congress' failure to pass the Religious Liberty Protection Act was disappointing. Designed to bolster protections for religious practice, the bill was introduced after the Supreme Court partially invalidated the 1993 Religious Freedom Restoration Act. Walker said religious groups "will redouble their efforts to ensure religious liberty with a strong version of RLPA." Δ

Religious group's politics chafes Oklahoma solon

U.S. Rep. Steve Largent, R-Okla., said there was "nothing Christian" about a decision by the Christian Coalition to work against his bid for House majority leader.

Largent learned in the closing days of his bid to unseat Majority Leader Dick Arme of Texas that the Christian Coalition was lobbying lawmakers on Arme's behalf, according to the *Tulsa World*.

Molly Clatworthy, a spokeswoman for the Christian Coalition, confirmed that the group decided to pick sides in support of Arme.

She said the group's actions would not provide ammunition to critics who charge that the coalition, founded by Pat Robertson, is really an arm of the Republican Party.

Largent learned about the coalition's lobbying efforts when members of his own campaign organization were asked to switch their support to Arme, according to the *Tulsa* newspaper. Δ

Group asks IRS to probe Clinton church appearance

Americans United for Separation of Church and State has asked the Internal Revenue Service to consider revoking the tax-exempt status of a Baltimore, Md., church where President Clinton appeared days before the Nov. 3 election.

Americans United said the Nov. 1 service at New Psalmist Baptist Church amounted to a political rally for Democratic candidates.

The service was in part a get-out-the-vote effort. At the service, Clinton, who was joined by Maryland Gov. Parris Glendening, a candidate for re-election, told the congregation, "On Tuesday, you're in charge of the arithmetic if you vote."

"What we have a problem with is candidates of one party appearing at the pulpit for what is essentially a rally," said Rob Boston, a spokesman for AU.

But Edward Smith Jr., an attorney for the church, said the church had not endorsed any candidate. *The Washington Post* reported that one Republican, state Del. Donald Murphy, attended the event.

"I think I was the only Republican there," Murphy told the *Post*. "I was pretty sure this was not supposed to be a Democratic rally or fund-raiser ... But did I squirm a bit? You bet."

Under IRS regulations, churches and other groups that hold tax-exempt status are not permitted to engage in partisan politics, including endorsing or opposing specific candidates, giving money to political campaigns or helping candidates win elections.

Minority communities get funds for AIDS programs

President Clinton announced the release of \$156 million to fund initiatives addressing the HIV/AIDS epidemic in racial and ethnic minority communities.

Clinton said health care is not as readily available to minority communities, leaving the HIV/AIDS epidemic a "severe and ongoing health care crisis" in those communities.

The funds will be used for a variety of health care programs and prevention efforts and includes funds for community-based groups, including those that are faith-based. The traditional constitutional safeguards are in place to assure that the funds do not go directly to churches to advance religious doctrine but instead to religiously affiliated groups that are pri-

marily concerned with providing services for HIV/AIDS patients.

Religious groups have been at odds over recent congressional proposals such as "charitable choice" to fund pervasively religious organizations, including churches, without requiring them to set up a separate nonprofit entity to guard against church-state entanglement.

At an AIDS and religion conference at the Carter Presidential Center Nov. 8-11, Sandra Thurman, director of the White House Office of National AIDS Policy, said the funds appropriated by the administration do not entangle church and state.

Conference participants also heard from a Baptist church-state specialist on the necessity to keep government funds from flowing to churches.

James M. Dunn, executive director of the Baptist Joint Committee, said that "there is a wrong way to do right. We dare not destroy America's distinctive contribution to the science of government in our desire to meet a crisis. Separation of church and state has been good for the state, good for the church, good for freedom and good for folks."

Scientology group pleads not guilty in death case

The Church of Scientology pleaded not guilty Nov. 30 to charges of abuse, neglect and practicing medicine without a license in connection with the death in Clearwater, Fla., of a member who was under the church's medical care.

Lisa McPherson, 36, was under round-the-clock church care after an apparent mental breakdown following her involvement in a minor traffic accident.

A hospital physician suggested psychiatric care, but it was rejected by McPherson in accordance with Scientology beliefs that such counseling is a form of secular mind control. Instead she submitted to church care, although her family says she was held against her will.

After 17 days, McPherson died and an autopsy revealed she died of a pulmonary embolism caused by prolonged bed rest and severe dehydration, according to *The New York Times*. The report stated that she had gone without fluids for at least five days prior to her death.

The church maintains McPherson was well cared for, became violent and refused to eat or drink and that the charges are part of a long vendetta against Scientology by Clearwater officials. The family has also filed a civil suit against the church. Δ

Inaction on religious liberty bill key shortcoming of Congress



Among its many shortcomings, the 105th Congress failed to pass the Religious Liberty Protection Act (RLPA). Political problems on the fringe of its supporting coalition, as well

as impeachment proceedings in the Judiciary Committee, knocked RLPA off the Congressional radar screen.

Congress' inability to pass even a pared-down RLPA heightens the need for states to adopt their own religious freedom acts. States have plenary power to legislate in this area. State acts, therefore, can be drawn more broadly to protect religious freedom across the board.

Rhode Island (fittingly enough) and Connecticut passed their own state bills even before the U.S. Supreme Court struck down parts of the federal Religious Freedom Restoration Act (RFRA) in 1997. This past year, Florida passed an exemplary version of a religious freedom bill. In Alabama, the legislature adopted a constitutional amendment incorporating RFRA-type language that the Alabama voters ratified last month. The Illinois legislature passed a religious freedom act, but Gov. Edgar used an amendatory veto to exclude prisoners from the law's protection. The Illinois legislature voted overwhelmingly to override that veto. California passed a religious freedom bill, but Gov. Wilson vetoed it for a variety of reasons. Hopefully, Gov.-elect Gray Davis will be more sympathetic.

About a dozen other states did some work on religious freedom bills but, for a variety of reasons, failed to pass the measures. These include Kansas, Louisiana, Maryland, Michigan, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, South

Carolina, Tennessee and Virginia. Efforts in these states will need to be reinvigorated in 1999.

Some states, of course, do not need religious freedom legislation, because their state *constitutions* already provide the heightened protection. These states include Kansas, Massachusetts, Minnesota, Vermont, Washington and Wisconsin.

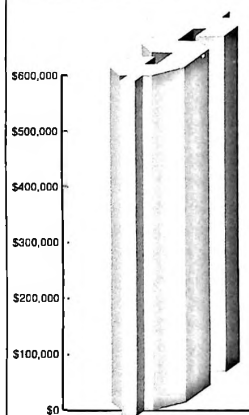
If you do want to get involved in your state, here's how. The Council on Religious Freedom, with the participation of the Baptist Joint Committee, will sponsor a seminar titled "Restoring Religious Freedom in the States" on January 28-29 at the Georgetown University Law Center in Washington, D.C. The conference will highlight leading constitutional scholars, such as Doug Laycock from the University of Texas, Tom Berg from Cumberland Law School in Birmingham and Erwin Chemerinsky of the University of Southern California. It will feature two panels — one on the need for state legislation, and the other on coalition building and legislative strategies.

This is one conference you simply should not miss. It will provide a wonderful opportunity to learn everything you need to know about state RFRA's, pay us a visit at the BJC and to enjoy our nation's capital at a time of year when you will not be overrun with tourists.

To sign up, call the Baptist Joint Committee at 202-544-4226 (fax 202-544-2094) or the Council on Religious Freedom at 301-294-8766 (fax: 301-294-8909). The registration fee is only \$50, but if you mention your affiliation with the Baptist Joint Committee, you can sign up for \$30.

Religious freedom must be protected in the states. Don't pass up this valuable opportunity to learn all about how to do it. Δ

Endowing the Baptist Joint Committee



Endowment drive reaches goal of \$600,000

Gifts and pledges to the Baptist Joint Committee's endowment drive have reached the Phase I goal of \$600,000.

"Thanks to all those who have helped make sure this religious liberty

Executive Director
James M. Dunn.

"We anticipate that Phase II of the campaign will increase total gifts and pledges to BJC endowment funds to \$1 million by the end of 1999," Dunn said. Δ

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

REPORT FROM THE CAPITAL

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The Complete Bill of Rights: The Drafts, Debates, Sources, and Origins

Neil H. Cogan (Ed.) Oxford Press: NY (1997)
708 pgs.



Do you remember when the First Amendment read: "Congress should make no law establishing articles of faith or a mode of worship, or prohibiting the free exercise of religion, or abridging the freedom of speech, or the press, or the right of the people peaceably to assemble and petition to the Government for the redress of grievances"? My guess is you don't.

Until publication of Cogan's book, *The Complete Bill of Rights*, discovering this early wording of the First Amendment would have required hours of thumbing through dusty reference books in the library and chancing multiple paper cuts and high blood pressure with every new, unhelpful page you labored over.

Cogan's volume is the remedy for your researching war wounds. It not only reveals the Bill of Rights wordsmithery, but also shows the surrounding debates, lays out the sources and conveniently displays the origins of what we presently hold today as our Bill of Rights.

Reading and understanding this book does not require a scholarly intellect, but it does demand significant interest in history of the Bill of Rights — that is, if you want to delight in your reading.

Viewing the book from a different angle, it is probably not the most highly sought-after Christmas gift by those outside of the interest circle this book encompasses and rightly so. The in-depth com-

prehensiveness this book contains makes it read more like an encyclopedia or a desk book unless this type of subject is your passion.

Surely this book, given as a gift to the law/history indifferent, would be more warmly welcomed than the inevitable pecan log that sabotages the Christmas receiving spirit. But, why attempt making a rival? On the other hand, if the person you're buying for has been chomping at the bit for the release of a sequel to *Webster's Dictionary* — one that is cramp-packed with all the slang and acronym definitions you never quite can remember correctly — then this gift will be more precious than gold. At \$95 per copy, Cogan's book might as well be gold.

Frame your book purchasing decision this way:

◆ Are you more interested in historical highlights than in details about the Bill of Rights? If you are the type of person who avoids details, minutiae and trivia like the plague, you probably should not add this book to your Top 10 reading list.

◆ Do you have use for or the need for a comprehensive archive of quite possibly the most important documentation revealing the amendment structure of our country's Bill of Rights? Then, start counting your pennies. Δ



— Jim Bennett
Baptist Joint Committee
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