



REPORT FROM THE CAPITAL

Volume 54, No. 4

February 23, 1999

NewsMakers

◆ **Donald Hodel**, former Reagan administration official, has resigned as Christian Coalition president. A coalition spokeswoman denied news reports that Hodel left because of a dispute with founder, **Pat Robertson**, who will replace Hodel and again become the organization's president.

◆ **Southern Baptist Convention President Paige Patterson** and other conservative religious leaders interviewed six potential Republican presidential candidates. *The Washington Times* said the leaders were "hoping to reach a consensus on a candidate for the 2000 Republican presidential nomination." Also present were Christian Coalition leader **Randy Tate**, home schooling advocate **Michael Farris** and others. The group interviewed former Reagan aide **Gary Bauer**; publisher **Steve Forbes**; Rep. **John Kasich**, R-Ohio; commentator **Alan Keyes**; former Vice President **Dan Quayle**; and Sen. **Robert Smith**, R-N.H.

◆ **Janaki Ballabh Patnaik**, chief minister of the eastern Indian state of Orissa, resigned, saying the move was his "moral responsibility" following a series of killings of Christians in the region. Until recently, Patnaik's government said that the recent brutal killing of two Christian teen-agers was not religiously motivated. Δ

Texas appeals court sides with church in tithing dispute

Citing a federal law enacted last year to protect charitable gifts, a Texas appeals court ruled Feb. 4 that a Baytown Baptist congregation does not have to relinquish tithes contributed by a member who later filed for bankruptcy.

The ruling by the 14th Court of Appeals reversed a trial court order that Cedar Bayou Baptist Church turn over to a creditor four years of tithes given by church member **Leland Collins**.

The funds were sought by **Gregory-Edwards Inc.**, a Houston firm that won a \$90,000 judgment in 1991 against Collins and two other partners it said were overpaid in the breakup of a business partnership.

The next year, Collins filed for bankruptcy to protect personal assets such as his home, automobile and retirement funds.

In 1995, Gregory-Edwards filed suit against Cedar Bayou Baptist Church, alleging that Collins' tithes given from Oct. 15, 1988, to Oct. 14, 1992, were "fraudulent transfers" under bankruptcy laws because Collins did not receive "a reasonably equivalent value" in return.

A Harris County Civil Court ordered the church to pay the company the \$23,428 Collins gave to the church during the four-year period, plus interest.

In its appeal, Cedar Bayou argued that the Religious Liberty and Charitable Donation Protection Act of 1998 barred the recovery of Collins' tithes. The new

law protects tithes and other charitable donations given in good faith by individuals who later go bankrupt.

The appeals court agreed, stating that "the contributions made by Collins are directly covered by the new Act."

The 1998 law protects charitable gifts of up to 15 percent of a debtor's annual income and more in cases in which the debtor can show a pattern of giving more than 15 percent. The law also permits Chapter 13 bankruptcy filers to budget for tithes and other charitable gifts during the time they are repaying creditors.

Cedar Bayou pastor **Richard Steel** saw Collins' tithes as part of a long-term giving pattern and not an attempt to shift funds away from a creditor.

"He's been a tithing member of Cedar Bayou Baptist Church for more than 40 years," Steel said.

Steel, who testified last year in support of the charitable gifts legislation passed by Congress, commended University of Texas Law School professor **Douglas Laycock**, who argued the church's appeal.

After the appeals court ruling, Laycock said, "The important thing is that Congress has fixed this problem for the future."

Baptist Joint Committee General Counsel **J. Brent Walker** applauded the enforcement of the new federal law.

"It's simply wrong for a civil court to undo an act of worship by raiding the church's collection plate," he said. Δ



"The important thing is that Congress has fixed this problem for the future."

— **Douglas Laycock**

Louisiana solons consider religious liberty measure

A move to establish a higher wall of protection for religious freedom is under way in Louisiana.

Supporters of such a move recently presented concerns to a joint legislative committee.

"There should be the highest of protections for religious freedom," said J. Brent Walker, general counsel and associate executive director for the Baptist Joint Committee. "Government should be put on a short leash whenever it tries to fiddle with the rights of conscience."

Rep. Jimmy Long, D-Natchitoches, introduced a measure in last year's special session of the Louisiana legislature. When it was amended to exempt prisoners from religious freedom protection, however, supporters withdrew the measure and referred it to a study committee.

In appearing before the committee recently, Walker urged passage of a bill that exempts no group. "When one starts making exemptions, where does one draw the line?" Walker asked. "It will be difficult to fend off other requests for exemptions once you start down that road. Pretty soon, protection for religious freedom will resemble Swiss cheese." Δ

House panel backs Amish child labor law exemption

A House of Representatives committee has voted to exempt the Amish from federal child labor laws that prevent some teen-agers from working in sawmills and woodworking shops.

Amish tradition forbids formal schooling beyond eighth grade, at which point young people enter apprenticeship programs, including woodworking. However, because of concerns about flying wood chips and other dangers, federal law prohibits anyone under 16 from working in sawmills and woodworking shops.

At least three Amish-owned mills have been fined for running afoul of the law.

Last year, legislation exempting the Amish from the law passed in the House but died in the Senate. The House Committee on Education and the Workforce approved a new exemption bill Feb. 10.

The legislation requires adults to supervise the teen-agers, who would not be allowed to operate mechanical equipment on their own.

The Amish, a strict Mennonite branch of Swiss Anabaptists, are already exempted from following Social Security and compulsory schooling laws. Δ

Student sues for right to wear witch symbol in school

A 17-year-old has sued her suburban Detroit high school, saying the school's refusal to let her wear a Wiccan symbol violates her religious freedom.

"To be forced to conceal one's religious symbol under one's shirt is a feeling of shame," said Crystal Siefferly, a self-proclaimed witch who attends Lincoln Park High School, just outside of Detroit.

She wears a pentagram necklace, but in October school officials barred her from visibly displaying the five-pointed star symbolic of the Wiccan religion. She since has worn it under her clothing.

Wicca comes from the Old English word for witch. The religion celebrates seasonal and life cycles using rituals from pre-Christian Europe.

The Michigan American Civil Liberties Union filed suit in federal court Feb. 9 on Siefferly's behalf, seeking a temporary order barring enforcement of the ban while a judge considers the case.

The ACLU says the policy violates the First Amendment's free speech and religious freedom guarantees.

"Christian students can wear crosses, and Jewish students can wear Stars of

David, but Wiccans can't wear the pentagram," said Michigan ACLU spokesman Tom Schram.

Lincoln Park schools Superintendent Randall Kite said the policy is certainly "not intended to discriminate against anyone's religion." Δ

Jehovah's Witnesses trial tests Russia's religion law

Efforts by Russian prosecutors to bar Jehovah's Witnesses from Moscow went on trial Feb. 9 in a case that is expected to test how Russia's new law regulating religion will work.

On Feb. 10, lawyers for the Witnesses defended the group on charges that it breaks up families, promotes discord and is a threat to society.

"Yesterday, the prosecutor said Russian minds were not prepared for our kind of religious literature," said Judah Schroeder, a spokesman for the Witnesses. "This amounts to a call for reimposing censorship. Who is to decide what Russian minds are allowed to read?"

If the Witnesses lose their case, under the Russian law they will be disbanded as a legal organization in Moscow. Schroeder said if the group loses it will take its case to the European court.

Witnesses have been in Russia for more than a century. Δ

Michigan library books question evolution's validity

A Detroit-area school district will add books questioning the validity of evolution to its junior- and senior-high school libraries for voluntary use. The Mevindale-Northern Allen Park School Board endorsed the move Feb. 8.

Board President John Rowe, a self-described creationist, defended the texts as legitimate works of scholarship. He said the board wanted students to know that evolution is a theory and not proven fact about the origin of life on the planet.

"The books are scientific textbooks that offer scientific evidence that evolution may not be true," he said.

However, Eugenie Scott, executive director of the National Center for Science Education in El Cerrito, Calif., said some of the books the Michigan school district plans on stocking are "frankly religious" and "bad science."

In 1987, the U.S. Supreme Court invalidated a Louisiana law mandating the teaching of creationism in schools that teach evolution. Δ

Charitable gifts deduction for non-itemizers a good idea



Holly Shaver
Assistant to the
General Counsel

As a recent college graduate and a junior member of the BJC staff, I am experiencing my first tax season as a fully salaried taxpayer. I owe the government. Hopeful that my charitable contributions might provide some relief, I tallied them up last month. Suffice it to say that they fall well short of a standard deduction for a single taxpayer — so, no tax relief for me.

In the spirit of civic involvement, I'm channeling my financial frustration into a longtime BJC effort. We're asking Congress to give tax deductions for charitable contributions given by non-itemizing taxpayers. Strengthen the non-profit sector while benefiting non-itemizers! Call it Operation Robin Hood.

Tax policy surely isn't my field of choice. Frankly, involvement in a tax effort seems on face to depart from the BJC's mission to defend and extend God-given religious liberty for all. However, non-itemizer charitable deductions have significant implications for the future of private social service programs, especially as these programs consider charitable choice funding options.

First, a little background: From 1982 to 1986, the reformed tax code allowed non-itemizers to deduct charitable contributions. In 1986, when the provision was fully implemented, non-itemizer charitable contributions were 100 percent deductible. That was the golden year — not only because I was blissfully ignorant of taxes. IRS data indicate charitable contributions by non-itemizers increased by 40 percent in 1986. But, Congress surrendered the non-itemizer charitable deduction to its sunset clause that year, leaving non-itemizers without any significant tax incentive to give generously.

Legislative proposals to restore the deduction have taken many forms in the last three Congresses; in the 105th Congress, the Charitable Giving Relief Act (CGRA) was written to allow non-itemizers to deduct 50 percent of their

annual charitable contributions over \$500. Similar legislation has yet to be introduced in the 106th Congress, but we're helping to lay the groundwork for it, and we'll let you know how to help when the time comes.

Now, how does this tax issue impact church-state separation? Generous contributions to the charitable sector can help ensure that churches engaged in social ministry won't need public money for their pervasively sectarian work.

Just one week after my first meeting with CGRA supporters, Call to Renewal, a group formed to bring a progressive evangelical voice to public policy debates, met to consider the implications for churches of welfare reform's deleterious effects on the poorest of the poor. Needs are great, and private resources are stretched to the breaking point. Pervasively sectarian service providers face a Faustian bargain. Do they let needs go unmet for lack of funds, or do they sell their souls for government funds that could cost them the integrity of their ministries? Meeting the need at any cost seems the better part to many. Others, like us, are quick to decry the Establishment Clause violation and to warn about the corrosive influence of Caesar's money on Kingdom endeavors.

We understand the tug, though; we know what it's like to wonder where the funds for our mission will come from. This is why we like the Charitable Giving Relief Act: It offers a conscionable, constitutional alternative to accepting government funding. And it will stimulate giving to the non-profit sector by 71 percent of taxpayers — the percentage who aren't able to itemize.

Melissa Rogers, Baptist Joint Committee associate general counsel, tells folks that accepting charitable choice funding is the "wrong way to do right." This tax reform measure will help us promote the right way to do right. Increased charitable giving could be a constructive solution to the constitutional, ecclesiastical and practical problems associated with public funding of pervasively sectarian social service providers. Plus, it will make tax season a little less burdensome for many of us. Δ

Events

March 1999

S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 20, 1999

Religion and the Public Schools

A conference for school leaders, teachers and parents

Baylor University
Waco, Texas

Registration: \$55

March 22-23, 1999

Pitfalls to Avoid as Seen from the Pulpit: Church-State Issues and the Ministry

A practical workshop on church-state issues for church leaders

Baylor University
Waco, Texas

Registration: \$40

July 1999

S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

July 8-10, 1999

Beyond Mere Toleration: Religious Liberty as a Basic Human Right

A symposium on religious freedom and human rights

Bloomsbury Central
Baptist Church
London, England

Contact Karen McGuire
for additional information
about these events:

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Baptist Joint Committee

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- ◆ Alliance of Baptists
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- ◆ 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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Book Review

Judgment Day at the White House:

A Critical Declaration Exploring Moral Issues and the Political Use and Abuse of Religion

Edited by Gabriel Fackre, Grand Rapids, Mich., William B. Eerdmans Publishing Company, 1999, 190 pp.



What exactly is the just way to respond to the moral lapse of our nation's top leader? Often the most publicized answers to this question are offered to bolster political agendas. Some say it is our spiritual duty to forgive, while others hold that our religious obligation is to expect some sort of reckoning. "What Would Jesus Do?" If only life were always that simple!

Judgment Day at the White House offers a crucial discussion of the moral issues underpinning the impeachment of President Clinton. Gabriel Fackre, professor emeritus at Andover Newton Theological School, says that the "high-profile religious pleas to 'forgive and forget' and the war cries of the Religious Right" have created a need for a "civil conversation" about one of the most important issues to ever face our nation. The book begins with the "Declaration concerning Religion, Ethics, and the Crisis in the Clinton Presidency," a joint-statement signed by 135 scholars of religion and ethics who "have long histories of commitment to social justice and public morality, as well as a concern for personal virtue." The Declaration is followed by 155 pages of commentary and analysis, which is divided into three distinct segments.

The first and longest section includes a series of essays written by signers of the Declaration explaining their rationale for endorsing the statement. Among the contributors is Princeton Theological Seminary professor Max Stackhouse, who explains President Clinton's actions as indicative of our society's idea of "contractual" relationships rather than "covenantal" commitments — an idea which he sees as a recipe for moral demise.

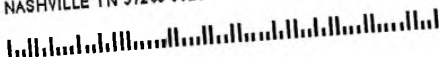
Essays written by six scholars give their reasons for declining to sign the Declaration. Glen Harold Stassen, Christian ethics professor at Fuller Theological Seminary, argues that the heart of the Declaration, its assertion that the president denies liability for his sin, is too judgmental. He says that perhaps this perceived denial of liability is actually an effort by the president to defend himself against attack. After pointing out various actions and decisions by the Independent Counsel, Stassen explains, "I wish the Declaration would have pointed out the injustices on both sides."

The final section includes reprinted essays by prominent commentators that parallel the Declaration's concerns, such as Yale Law Professor Stephen Carter's "A Chance to Reset Our Moral Course."

For one who seeks to discover the just way to respond to the sins of our president, this book of finely tuned points and counterpoints may leave the reader even more perplexed by "on the other hands" which seem to be inevitable in moral discourse. But for the reader who seeks a just response, *Judgment Day* offers a smorgasbord of options.

— John Barber
Baptist Joint Committee Intern

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