



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **Robert Seiple**, former head of World Vision International, testified March 17 at a Senate confirmation hearing on his nomination as ambassador-at-large of the newly established Commission on International Religious Freedom. The commission will report on global religious persecution and recommend penalties against violators. Sen. **Rod Grams**, R-Minn., said Seiple's confirmation should move forward quickly with no opposition in the Senate Foreign Relations Committee.

◆ **Pat Robertson**, president of the Christian Coalition, announced a \$21 million effort to get conservative voters to the polls in 2000. The coalition hopes to distribute 75 million voter guides to churches and to energize 15 million conservative voters. **Barry Lynn**, executive director of Americans United for Separation of Church and State, said that "Robertson is desperately trying to regain some momentum after a year of disasters, blunders and defeats."

◆ **Michael Clingenpeel**, editor of Virginia Baptists' *Religious Herald*, said churches are beginning to reclaim their autonomy and act like Baptists. Clingenpeel's remarks were delivered at Columbia Baptist Church in Falls Church, Va., during a discussion about the future of denominationalism. Δ

## BJC, St. Louis clergy oppose government-sponsored creche

The issue for a group of St. Louis-area clergy is not whether nativity scenes should be allowed in suburban Florissant, Mo., but whether such religious displays should be sponsored by government or by churches and individuals.

Arguing that religion is harmed — not helped — by government's support, the local clergy, along with the Baptist Joint Committee, asked a federal appeals court to uphold federal District Judge Catherine Perry's ruling that a city-sponsored nativity scene at the Florissant Civic Center violates church-state separation mandates of the Missouri and U.S. constitutions.

Florissant officials appealed Perry's ruling to the 8th U.S. Circuit Court of Appeals, which is expected to hear arguments in the case later this year.

In 1997, the American Civil Liberties Union asked city officials on behalf of Florissant resident Scott Weiner to remove the creche, contending that it was an unconstitutional endorsement of Christianity.

The city declined to remove the creche but added several secular decorations to the display, including an assortment of reindeer, candy canes, a Santa Claus, a snowman, gift boxes and lollipops.

The ACLU filed suit on behalf of Weiner, and in September, Perry ruled

that the display violated the First Amendment as well as the Missouri Constitution's ban on the use of tax funds to aid religion.

The secular holiday figures the city added after the ACLU complaint "were insufficient to negate or muffle the earlier

message of endorsement" of Christianity, Perry said.

The friend-of-the-court brief filed on behalf of the BJC and local clergy argues that church-state separation has benefitted religion.

Filed by Clayton, Mo., attorney Cynthia S. Holmes, the brief argues that "any attempt to turn a nativity display into a mere 'holiday decoration' is disingenuous and offensive. A nativity scene depicts a historical event which is foundational to the Christian religion."

The brief emphasizes that the clergy and BJC do not oppose nativity scenes.

"In fact they would applaud the placement of a nativity scene on the lawn of every Christian home and church in the community during the sacred season celebrating Christ's birth."

What is harmful to Christianity, the brief asserts, "is not the government being required to remove a symbol of [the Christian] religion from a secular holiday display, but rather the notion that Jesus' birth has become a mere seasonal, holiday tradition without religious significance." Δ

"It is difficult to imagine why anyone would want to establish government-sponsored religion when we see the results of such establishment in Bosnia, Northern Ireland and the Mideast."



— Cynthia S. Holmes

## 'Islamophobia' widespread in U.S., report says

An upcoming report by the United Nations special investigator on religion says that "Islamophobia" is widespread in the United States, in part because of "hate-filled" media images of Muslims, a news service reported March 17.

Reuters, reporting from Geneva, said the report, due to be presented soon to the U.N.'s Human Rights Commission, also notes that traditional Native American religious practices are often abused. Investigator Abdelfattah Amor, a Tunisian lawyer and educator, said U.S. officials need to do more to protect Indians' sacred sites.

Amor spent two weeks in the United States more than a year ago investigating religious freedom.

Amor's report argues for placing limits on freedom of the press "when it generates actual intolerance, the antithesis of freedom."

The problem, Amor added, "is not the fault of the authorities, but of a very harmful activity by the media in general and the popular press in particular, which consists in putting out a distorted and indeed hate-filled message treating Muslims as extremists and terrorists." Δ

## Court bans public prayers at school football games

Student-led public prayers may be appropriate at high school graduation ceremonies but not at football games, the U.S. 5th Circuit Court of Appeals ruled in a 2-1 decision.

The U.S. Supreme Court never has ruled on whether school-endorsed prayer at football games is constitutional. The high court has said that schools may not invite clergy to deliver prayers at commencement ceremonies, but it has yet to consider a case involving prayers written by students.

Santa Fe Independent School District in Galveston, Texas, allowed students to read Christian prayers from the stage at graduation ceremonies and over the public-address system at football games but monitored the ceremonial prayers to the point of screening the content of graduation prayers in advance.

In 1994, the district adopted a policy allowing "student-selected, student-given, non-sectarian, non-proselytizing" prayers at graduations. In 1995, a similar policy was adopted for prayers at football games.

The March 1 ruling by the 5th Circuit Court of Appeals struck down both policies. The court majority wrote that extending the graduation-prayer policy to football games "violates the Constitution, even if such a policy includes the non-sectarian, non-proselytizing restrictions."

The appeals court said the school district's commencement prayer policy is not strict enough to pass constitutional muster. However, the court reaffirmed its earlier ruling that commencement prayers may be acceptable if they meet the guidelines of being student-initiated, student-led, non-sectarian and non-proselytizing.

Writing for the majority, judges Jacques Weiner and Carl Stewart said commencement ceremonies are significantly different from football games. A legitimate need to "solemnize" commencements does not exist at athletic events, they said. Δ

## Harry A. Blackmun, retired Supreme Court justice, dies

Retired U.S. Supreme Court Justice Harry A. Blackmun, most known for writing the landmark 1973 *Roe vs. Wade* abortion rights decision, died March 4 at the age of 90.

Blackmun was appointed to the Supreme Court by President Richard Nixon in 1970. While he was most frequently

identified with the controversial 1973 decision recognizing women's right to privacy in abortion decisions, his colleagues on the bench, as well as court watchers, paid tribute to his broader judicial role.

And religious liberty organizations, including the Baptist Joint Committee and Americans United for Separation of Church and State, gave Blackmun high marks for protecting the free exercise of religion and church-state separation.

He outlined his religious liberty views in a June 23, 1987, address at the National Archives in the nation's capital. He said the Free Exercise Clause "at the very least was designed to guarantee freedom of conscience by prohibiting any degree of compulsion in matters of belief. It was offended by a burden on one's religion."

The Establishment Clause, Blackmun said, was "designed in part to ensure that the advancement of religion comes only from the voluntary effort of its proponents and not from support by the state. Religious groups are to prosper or perish on the intrinsic merit and attraction of their beliefs and practices."

In a concurring opinion in the high court's 1992 *Lee vs. Weisman* decision barring clergy-led prayers at commencement exercises at a Rhode Island middle school, he said the "mixing of government and religion can be a threat to free government, even if no one is forced to participate."

"When the government puts its imprimatur on a particular religion, it conveys a message of exclusion to all those who do not adhere to the favored beliefs. A government cannot be premised on the belief that all persons are created equal when it asserts that God prefers some." Δ

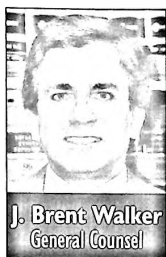
## Ten Commandments ousted from Georgia courthouse

Church-state separationists are claiming victory with the decision by the Lumpkin County, Ga., County Commission to remove a Ten Commandments display from the local courthouse.

The decision came after Americans United for Separation of Church and State and the Georgia affiliate of the American Civil Liberties Union threatened a lawsuit unless the display was removed.

"Government officials need to learn that the Ten Commandments is a religious text and should not be manipulated as some kind of political football," said Barry Lynn, executive director of Americans United, March 9 in responding to last month's decision by the Georgia county officials. Δ

# Ten Commandments for living, not for political football



J. Brent Walker  
General Counsel

It appears that the Ten Commandments again are a front-burner policy issue around the country. As my friend Forest Montgomery of the National Association of Evangelicals is wont to say, there's no shortage of poles trying to "demagogue the decalogue."

Judge Roy Moore in Alabama continues to insist upon posting them — his version — in the public courtroom over which he presides. The Arkansas House of Representatives passed a law last week encouraging the posting of the Ten Commandments in state-owned buildings, including the public schools. Rep. Robert Aderholt, R-Ala., is poised to introduce in the 106th Congress his Ten Commandments Defense Act. This bill would seek to legalize state-endorsed Ten Commandments displays and purports to strip the federal courts of the power to rule otherwise.

Never mind that the Commandments have fared quite well, thank you, for several millennia without the help of American politicians. Never mind that they are quintessentially and pervasively religious instructions on how we are to relate to Almighty God. Never mind that the U.S. Supreme Court in *Stone v. Graham* (1980) has clearly ruled unconstitutional their posting in high school classrooms. Despite all of this, many in government continue to want to give God a helping hand.

Marc Stern, a good friend and a brilliant lawyer with the American Jewish Congress in New York, has written a sensible word in this sea of insanity — a 20-page pamphlet titled *The Ten Commandments: Innocent Display or Weapon in a Religious War?* In this helpful manual, Stern surveys the legal landscape of cases dealing with the Ten Commandments. More importantly, he also describes the differences among the various versions of the Ten Commandments, some of which have "profound legal [and] theological

significance."

He zeroes in on how the Ten Commandments are handled in schools. Although they may be studied in a Bible-as-literature course, they may not be posted on a wall as something of an icon to be venerated.

Stern also outlines the parameters for government-sponsored displays of the tablets in parks and other public places. They may be included as a part of an educational-historical display (as in the frieze around the courtroom of the U.S. Supreme Court), but not as free-standing expression of religious dogma.

Stern criticizes the proposed Ten Commandments Defense Act as an attempt to "declare constitutional what is plainly unconstitutional." He notes with some humor the paradoxical spectacle of the court-stripping feature of the bill, which would effectively freeze the present church-state jurisprudence (*Stone v. Graham*) that unequivocally holds such classroom postings to be unconstitutional!

A copy of this booklet may be obtained for \$3 from the American Jewish Congress (phone 212-879-4500). It will help us understand why it is patently wrong — and even counterproductive — to use the offices of the government to promote a religious message. It also shows why, in Stern's words, it amounts to a triumphal "planting of the flag" for a particular religious world view, an anathema in a country committed to complete religious liberty and church-state separation.

Stern aptly concludes:

The battle of the Ten Commandments is a battle for the soul of America, ... not ... over whether citizens will abide by the Commandments, but whether the government will abide by the constitutional command of church-state separation.

I wish we were as serious about trying to live the Ten Commandments as some of us are about playing political football with them. Δ

## Search panel announces deadlines

The committee seeking a new executive director of the Baptist Joint Committee has set a June 7, 1999, deadline to receive applications for the position.

The search panel also set a May 7 deadline to receive nominations, allowing the committee a month to contact nominees and receive application materials from them.

The new director will succeed James M. Dunn, who will begin teaching this fall at Wake Forest Divinity School in Winston-Salem, N.C. He will also continue part-time with the BJC as head of the Baptist Joint Committee Foundation.

Nominations and applications should be sent to:

Barbara Williams  
BJC Search  
Committee  
c/o American Baptist  
Churches USA  
P.O. Box 851  
Valley Forge, Pa.  
19482-0851

A statement released by the search committee said persons making nominations should submit the name, address and telephone number of the person being nominated. Nominees will be asked to follow the application process. Applications should include a cover letter, resume and the name, address and phone numbers of three professional references. 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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## Book Review

### Separating Church and State: Roger Williams and Religious Liberty

Timothy L. Hall, Urbana, Ill., University of Illinois Press, 1998, 206 pp. \$19.95 paper.



If you've aspired to become better acquainted with Roger Williams' uniquely Baptist witness to the importance of church-state separation and religious liberty, law professor

Timothy Hall of the University of Mississippi has done your homework.

Hall's *Separating Church and State* is an effort to unite historical study of Roger Williams with First Amendment jurisprudential study. He postulates that "an overly zealous reliance upon [Jefferson and Madison] has left First Amendment jurisprudence theoretically impoverished" and offers Roger Williams' "long argument with the Massachusetts Puritans about religious liberty" in the 17th century as a remedy for exclusive scholarship. In asserting the importance of "bilingualism" for modern religious liberty advocates, Hall pronounces "the religiously clad discourse to which Roger Williams invites us ... indispensable."

Hall examines themes in Williams' experience and writings and gives a fascinating account of early efforts to organize civil governance in Rhode Island with appropriate respect for religious liberty. He also compares Williams' thought with that of Locke, Jefferson and Madison. The contrast reveals that, in omitting Williams' evangelical fervor and religious Separatist ideology from First Amendment scholarship; jurists and some originalists have lost sight of the religious roots of the notion of

separation, which is broadly decried as a secular humanist concept intended to quell religious voices in the public arena.

In the book's final chapter, Hall considers the competing ideologies and political dynamics of current religious liberty debates in light of lessons culled from Roger Williams. Hall examines the tension between separatism rooted in religious dogma and tolerance rooted in an ecumenical spirit; the writings of U.S. Supreme Court Justice Antonin Scalia, he claims, exemplify a civic tendency to embrace "ecumenical toleration" as more democratic than religious dogmatism. But Hall reiterates what free and faithful Baptists already know, that "dogmatism alone does not threaten democracy. At least some kinds of religious dogmatism have been critical allies of liberal democracy and enemies of intolerance."

Hall's concluding thoughts about Williams' experience have modern-day resonances:

The price Williams paid for freedom of conscience was the de-Christianization of Christian America. To him, at least, this was not an exorbitant price, because he believed that Christian America had never existed and never would. He cared too deeply about God and the church to trivialize them with public professions of religiousness. Nevertheless, because his contemporaries could not accept that price, they labeled Williams a fanatic and forgot about him.

Let Timothy Hall reacquaint you with the legacy of Roger Williams; they will reinvigorate your commitment to protecting religious liberty.

— Holly Shaver  
Assistant to the General Counsel

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