



REPORT FROM THE CAPITAL

Volume 54, No. 8

April 20, 1999

NewsMakers

◆ **Rich Hamlin**, given a jail sentence for maintaining the confidentiality of a confession by an alleged criminal, has asked Washington state's top court to rule that ordained clergy should not be required to divulge the contents of confessions of persons simply because they are not members of the clergy's church.

◆ **Steven McFarland**, director of the Christian Legal Society's Center for Law and Religious Freedom, said the Federal Communications Commission should expand its definition of religious broadcasters to include those not closely affiliated with a church. The FCC recently decided to allow religious broadcasters to discriminate in hiring employees — even for positions that do not deal with the espousal of beliefs. "The good news is the FCC has turned around the train, but the problem is they're leaving half the passengers at the station," he said.

◆ **Kenneth Ryskamp**, a Florida judge, has ruled that Boca Raton can remove religious decorations from grave sites in the city cemetery without violating the Florida Religious Freedom Restoration Act or the rights of families who left the decorations. The American Civil Liberties Union said it will appeal. The city claims that extra decorations present an obstacle to maintenance workers. Δ

Congress-directed land sale to archdiocese draws fire

The Catholic Archdiocese of Washington, D.C., has secured a congressional measure making Catholic institutions near a veterans' retirement home the only eligible purchaser of a 49-acre parcel of land that must be sold.

The land is owned by the Soldiers' and Airmen's Home in northern D.C., a facility run by the U.S. Armed Forces Retirement Home Board. The home runs an annual deficit of nearly \$10 million. Congress told the board to dispose of the undeveloped land by "sale or otherwise."

The 148-year-old home sits on federal land and receives its funding from its trust fund. Home officials worked with a private firm to devise a development plan that would have yielded the home an estimated \$102 million over 35 years.

But the development plan was scrapped after Sen. Rick Santorum, R-Pa., added an amendment to the 1999 Defense Authorization Act clarifying that the law required the land to be sold, not developed. He also added language that effectively directed the sale of the land to the Archdiocese of Washington.

In a statement released at a March Senate subcommittee hearing, Santorum said Catholic officials approached him and expressed "their desire to buy the parcel at fair market price."

Bob Manhan, assistant director of the Veterans of Foreign Wars' national legislative service, said veterans were "frustrated that the board was not allowed to present to Congress its own plan to

develop this land on behalf of veterans."

At issue is how much the veterans will now receive for the land. An independent appraisal will determine its fair market value "at its highest and best economic use." But home officials are concerned the church will try to rely on a 1995 estimate of \$8 million

to \$12 million and not a higher value suggested under the development proposal.

Other critics cite church-state concerns.

"It smacks of preferential treatment."

— **Barry Lynn**
Americans United



Baptist Joint Committee General Counsel J. Brent Walker said it "does not violate the separation of church and state to sell property to a religious organization as long as others have a fair opportunity to purchase the property, usually through competitive bidding." In this case, the home "is being forced to sell this land to the church without normal competitive bidding procedures," said Barry Lynn, executive director of Americans United for Separation of Church and State. "It smacks of preferential treatment."

Lynn said it is "an obvious case of one religious group getting a tremendous benefit from the government — a benefit that is not available to any other religious or secular group. It's a clear violation of the separation of church and state."

An archdiocese spokeswoman said there is no church-state conflict: "The fact that we're religious doesn't matter. We're the natural buyer because we completely surround the land and because we're the best stewards of the land." Δ

Group sees religious liberty violations in Western Europe

The International Helsinki Foundation, a leading human rights group, has issued a new report finding what it calls increasing violations of religious freedom in Western European nations.

In particular, the group singled out efforts by some countries, such as Germany, Belgium, France and Spain, to curtail the activities of so-called new religions.

It also said anti-Semitism remained a problem throughout Europe but pointed especially to Russia.

"There appear to be clear attempts on the part of the European Union and national governments in Western Europe to adopt new legal provisions to 'protect' individuals from 'new religions,'" the Vienna-based rights group said in a report for the Organization on Security and Cooperation in Europe.

Older groups are also targets, the report said.

"In Western Europe, hundreds of unpopular minority religions are targeted as dangerous and harmful," the report said. "Jehovah's Witnesses [are] the group that has probably suffered most [in] the OSCE region." Δ

Samford professor wins faith and freedom award

Chriss H. Doss, director of the Center for the Study of Law and the Church at Samford University's Cumberland School of Law, is a recipient of the first Walter Cronkite Faith and Freedom Award, presented by The Interfaith Alliance.

The former CBS news anchor presented the award to Doss, a Baptist minister, for his work in a DeKalb County, Ala., school prayer case. Doss was named by U.S. District Judge Ira DeMent to monitor the enforcement of a 1997 injunction against school-sponsored religious activities.

"We believe that no one's devotion to their faith can be challenged on the grounds of their position on political issues," said Cronkite in written statements prepared for the award presentation. He said the award recognizes individuals who "challenged the religious right's attempts to restrict religious freedom under the banner of religion by manipulating and narrowly defining the principles of Christianity."

In 1995 Michael Chandler, a public school assistant principal, sued the DeKalb County Board of Education, alleging that the school system forced his son to participate in Bible readings and prayer at school. DeMent issued an order barring "officially sanctioned" religious activities in Alabama public schools.

While the establishment of a "monitor" in the public schools brought a storm of criticism from opponents of the suit, Doss retained his civility and challenged us to embrace reason, not rhetoric," according to the letter of nomination written by Birmingham attorney Pamela Sumners.

Sumners, who represented Chandler in the case against the school board, said that Doss "doggedly explained the injunction to Alabama church leaders, civic groups and students, calming rough waters into which no one else wanted to wade."

According to a Samford University news release, others writing to support the nomination were Samford President Thomas E. Cortis; Doss' minister, Gary Furr of Vestavia Hills Baptist Church; and Troy Morrison, executive director emeritus of the Alabama Baptist State Convention.

Awards committee members included Joan Brown Campbell, general secretary of the National Council of the Churches of Christ in the U.S.A.; former President Gerald Ford; broadcast journalists Bill Moyers and Cokie Roberts; Andrew Young, chairman of Goodworks Inter-

national, LLC; and Welton Gaddy, executive director of The Interfaith Alliance and its foundation.

Gaddy said at the awards ceremony he is hopeful the new award will "inspire faith-based thoughtfulness and activism that promotes the healing and constructive force of faith and religion in American life." Δ

High court refuses to review cult-deprogramming ruling

A cult-information network can be held partially liable for a forced "deprogramming" of an 18-year-old resident of Washington state under a ruling left standing March 22 by the U.S. Supreme Court.

Justices refused to hear Cult Awareness Network's claim that it should not be held responsible for violating the civil rights of Jason Scott, who was abducted and turned over to a deprogrammer recommended to his mother by a CAN volunteer.

After failing to persuade three of her sons to voluntarily leave the Life Tabernacle Church, a branch of the United Pentecostal Church, Kathy Tonkin called a Seattle community hotline in 1991, seeking help in "deprogramming" the youths.

Answering the hotline was Shirley Landa, a volunteer who was Washington state's contact for the Illinois-based CAN, a non-profit advocacy organization that seeks to educate the public about cults.

Landa, who was not named in the suit, allegedly referred Tonkin to Rick Ross, a counselor known to perform involuntary deprogrammings.

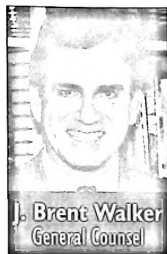
According to court documents, Ross and other defendants abducted Scott and held him five days while Ross debated church teachings with him.

Two of Tonkin's sons were minors and legally under her control. Scott, however, had turned 18. He escaped and sued Ross, CAN and other defendants, claiming he was deprived of his civil rights and also for negligence and outrage. A jury awarded Scott nearly \$5 million in compensatory and punitive damages. The ruling found CAN 10 percent liable for compensatory damages and ordered the organization to pay \$1 million in punitive damages.

CAN appealed the ruling, claiming Landa was not acting as its agent when she referred Scott's mother to Ross and that CAN has a policy of not referring people to deprogrammers.

A federal appeals court disagreed, however, finding "vicarious liability" against CAN for acts of a volunteer agent. Δ

Churches can help students without crossing First Amendment lines



Recently the attorney general of Virginia, Mark L. Earley, called a "faith summit" with more than 300 religious leaders from across the state to encourage them to become "mentors" to students in the public schools. According to

a *Washington Post* report, this meeting was preceded by four regional gatherings where law enforcement officers, lawyers, business groups and other nonreligious organizations were solicited to participate, too.

This kind of school-based Big Brothers program is springing up around the country, and it takes a variety of forms. It can involve, for example, on-campus counseling programs in the wake of a school tragedy; ongoing mentoring programs, such as a "lunch buddy," in which the volunteer has a meal with the student once a month; tutoring programs — usually after school and at a church — as a safe haven for latch-key kids; on-campus "listening posts" with chaplains, in which students are allowed to vent problems; and anti-drug speeches by clergy at school assemblies.

Do these partnerships raise church-state concerns? Yes, but they are not insurmountable. Both the schools and the religious community have a vital stake in the moral and academic development of our children. With proper planning and careful supervision, these partnerships can benefit students and at the same time comply with constitutional requirements for church-state separation.

Here are several principles to follow in running these partnerships:

- Participation in the program should be strictly voluntary. Students should not be rewarded for joining in or penalized for not participating.
- Along the same lines, these programs should never involve captive audiences, such as classroom-

based programs. This would clearly rule out presentations and distribution of Bibles by Gideons in classrooms.

- Schools must remain neutral toward religion. Volunteers should be informed that contact with students must not be used as occasions for proselytizing or recruiting for church membership.
- Non-religious counterparts should be encouraged to participate. For example, secular counselors should accompany clergy in grief counseling in the aftermath of a crisis such as the shootings last year in Jonesboro, Ark.
- If off-campus religious buildings are used for a school-related purpose — such as a "safe house" for latch-key children in dangerous neighborhoods — the school should confirm the safety of the surroundings, and religious worship and instruction should not be permitted.
- Clergy who speak at assemblies must not be permitted to preach a sermon or, with a wink and a nod, invite students to an evening pizza party as a prelude to preaching.
- All volunteers should receive training in the program they are participating in and be made sensitive to potential church-state problems.

There are a lot of good reasons to encourage these cooperative efforts, and they can be done without violating the consciences of students and parents or seeking to force-feed religious convictions. We must remain ever vigilant, but the mere possibility of abuse is no justification for scuttling an otherwise helpful program from the start. Δ

Events

June 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			

June 25, 1999

Annual Religious Liberty Council Luncheon

11:30 a.m. to 1:30 p.m.

Birmingham Ball Room
Sheraton Convention Center

Birmingham, Alabama

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

For freedom, set free
CATHOLIC

Religious Liberty Day 1999

Contact Karen McGuire for additional information about these events or to order Religious Liberty Day materials:

202-544-4226 or

Karen_McGuire@bjcpa.org

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- ◆ Religious Liberty Council
- ◆ Seventh Day Baptist General Conference
- ◆ Southern Baptist state conventions/churches

REPORT FROM THE CAPITAL

James M. Dunn
Executive Director
Larry Chesser
Editor
Kenny Byrd
Associate Editor
J. Brent Walker
Book Reviews

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Book Review

The Role of Religion in Politics and Society

Edited by Harold Heie, A. James Rudin and Marvin R. Wilson. Published by the Center for Christian Studies at Gordon College, Wenham Mass., and the Interreligious Affairs Department, American Jewish Committee, New York, 1998. 144pp.



The proper role of religion in politics and society is a perennial issue for government to address. Illuminaries from Moses to Plato to Marx to Madison have attempted to define it. But in light of the recent questions surrounding government officials and the growing apprehension among Americans about not only the decline of morality but also about the policing of it, the focus of this book has new urgency.

The book chronicles a symposium held at the Center for Christian Studies at Gordon College that featured scholars from different ideological camps along the church-state spectrum. Debates between the forum members were well-reasoned and congenial, with the speakers often exhibiting respect for his or her adversary's place at the podium, even while attempting to invalidate the opposing argument. The hospitality of the participants could not, however, fill the vast chasms that existed between the viewpoints of these scholars.

The contentious nature of the debates was not only planned but encouraged, as the symposium fanned the flames of controversy on such issues as "the mixing of politics and religion" and "alternative views of pluralism — Christian and Jewish" as well as the old familiar discourse on prayer in public schools. With such titles as "Do religion and politics

mix?" and "God is not a pluralist," the inflammatory sparks of academic debate seemed to be kindled even prior to each speaker's introductory sentence. Symposium participants included Barry Lynn of Americans United for Separation of Church and State, Janet Parshall of Concerned Women for America, A. James Rudin of the American Jewish Committee, Carl Esbeck, law professor at the University of Missouri-Columbia, and James M. Dunn of the Baptist Joint Committee.

Rather than lauding pluralism as the ultimate answer, Dunn notes that when the concept is applied correctly and the dangers of pluralism and tolerance are not overlooked, pluralism becomes a powerful and practical method of dealing with the relationship between church and state. Dunn states, "Both parts of the dyad should always be kept under consideration. Conciliation rather than conflict should be the goal. Since tension is inevitable, every effort should be made to make it creative tension. Compromise and accommodation may even lead to or be real reconciliation."

Many of the book's arguments have been hashed out before and will continue to be debated. So while few new insights were presented, the symposium provided a forum where the views and concerns of all participants were given respect, if not acceptance, rather than the shouting matches that typically occur when these matters are discussed. If you are looking for erudite discourses on the ideological nuances of the role of religion in public life, look elsewhere. But if the idea of a concise collection of essays and statements reflecting on the current concerns and climate of religion in civic society appeals to you, this may be your book.

— Jeremy Ball
Baptist Joint Committee Intern



**BAPTIST
JOINT
COMMITTEE**

200 Maryland Ave. N.E.
Washington, D.C. 20002-5797
202-544-4226
Fax: 202-544-2094
E-mail: bjcpa@bjcpa.org
Web site: www.bjcpa.org

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