



REPORT FROM THE CAPITAL

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NewsMakers

◆ Sen. Orrin Hatch, R-Utah, announced May 25 that the Senate Judiciary Committee will conduct June hearings on the need for legislation to protect religious liberty. He commended House lawmakers for introducing the Religious Liberty Protection Act and said religious freedom is threatened by a "steady encroachment of hosts of bureaucratic regulations, such as oppressive land use and zoning laws."

◆ Cal Thomas, conservative columnist, criticized religious right tactics at a Freedom Forum discussion on his new book that deals with the failures of the movement. Thomas, who once worked for the Moral Majority, said religious right groups sent "fund-raising letters that were manipulative" because they could not raise money with positive messages. He also said they seek success through "manipulation of the political system."

◆ Sen. Wayne Allard, R-Colo., won Senate support for a measure stating that inclusion of religious elements in school memorials and services that honor a person slain on campus does not violate the First Amendment. Sen. John Ashcroft, R-Mo., also won Senate support for a "charitable choice" rider to the juvenile justice bill making religious ministries for at-risk youths eligible for federal grants. Δ

Littleton school official says district accommodates religion

Contrary to suggestions by conservative politicians after the tragic shootings at Columbine High School in Littleton, Colo., students there can pray and carry Bibles, school officials said.

Since the shooting incident, politicians and pundits have taken aim at gun regulations, the entertainment industry and court rulings against school-sponsored prayer. Some have implied that prayer and God have been kicked out of school altogether.

Republican presidential hopeful Dan Quayle recently linked the Columbine shootings that left 15 people dead to the "legal aristocracy" that has turned schools into "value-free" zones.

Quayle said students "need a moral education, but the legal aristocracy has obstructed their ability to receive it. It started nearly four decades ago with the outlawing of school prayer."

Pat Buchanan, another Republican presidential hopeful, said during a recent CNN broadcast that "God and the Ten Commandments and all moral instruction have been removed" from the schools. "If those kids had walked into school with Bibles headed for a class, they would have been called to the principal's office. But you come in talking about Adolph Hitler and they're having his birthday ... and that's acceptable."

But Marilyn Saltzman, a spokeswoman for Jefferson County Public Schools, which includes Columbine, said,

"We honor the separation of church and state. But we do not believe that any mention of religion is prohibited. According to our policies, it is the advancement or inhibition of religion that is prohibited."

Students would not be sent to the principal for having a Bible, she said.

"Students are certainly allowed to read the Bible and have a Bible in his or her possession." While school officials do not advance prayer, students are well within their rights to pray before a

test, write an essay about God or join a Bible study club that meets when other clubs meet at school, she added.

"Basically we don't teach religion, we teach about religion," she said. "We take the First Amendment seriously."

David Saperstein, director of the Religious Action Center of Reform Judaism, said it was "utter nonsense" to blame the shootings on a lack of organized school prayer. He said such remarks are "flagrant efforts to fan the flames of divisiveness in America."

Saperstein said, "It is offensive to religion and to the people at Littleton to say that a one-minute, watered-down organized prayer is going to create some kind of religious transformation."

Because of Department of Education guidelines on religious expression in public schools, he said, every school district "knows and it is absolutely clear that kids can do whatever they want religiously as long as it doesn't interfere with the rights of others." Δ

"It is offensive to religion and to the people at Littleton."

— Rabbi David Saperstein



House Constitution panel OKs religious liberty measure

The U.S. House of Representatives Subcommittee on the Constitution approved the Religious Liberty Protection Act on a voice vote May 26.

The bill would use Congress' spending and commerce powers to restore a high level of religious liberty protection. It includes a separate provision to protect churches and other religious organizations from restrictive local zoning laws.

RLPA would seek to restore protections provided in the partially invalidated 1993 Religious Freedom Restoration Act. It would prohibit state and local governments from placing a substantial burden on religious practices unless they employ the least restrictive means of furthering a compelling interest such as health or safety.

The measure was introduced following the U.S. Supreme Court's 1997 ruling that Congress lacked authority to impose RFRA on the states. But courts have upheld RFRA's applicability to federal law.

Subcommittee Chairman Charles Canady, R-Fla., introduced a technical amendment that was approved during the panel's markup session. Two Democratic amendments failed. The bill next will be considered by the House Judiciary Committee. **Δ**

Gore touts public funds for religious ministries

Vice President Al Gore embraced the concept of "charitable choice" to finance religious social ministries with government funds in a May 24 speech at an Atlanta Salvation Army drug rehabilitation center.

"Some on the right have said for too long that a specific set of religious values should be imposed, threatening the founders' precious separation of church and state," Gore said. "In contrast, some on the left have said for too long that religious values should play no role in addressing public needs. These are false choices: hollow secularism or right-wing religion."

He continued: "Both positions are rigid; they are not where the new solutions lie. I believe strongly in the separation of church and state. But freedom of religion need not mean freedom from religion. There is a better way."

Gore proposed a "new partnership" with faith-based programs to meet "crushing social challenges that are otherwise impossible to meet, such as drug addiction and gang violence."

The "charitable choice" initiative, originally sponsored by Sen. John Ashcroft, R-Mo., was approved in the 1996 welfare reform package. Ashcroft now wants to extend charitable choice to all federally funded social programs.

Ashcroft said Gore's support can be "a very important asset" in expanding charitable choice.

Religiously affiliated organizations that are set up to provide social services, such as Catholic Charities, already can provide tax-funded services but cannot proselytize or promote religion. Under charitable choice, however, churches themselves may use tax money to deliver social services without setting up a separate entity.

Barry Lynn, executive director of Americans United for Separation of Church and State, said charitable choice is "fatally flawed from a constitutional perspective."

People For the American Way President Carole Shields said the plan would either "undermine the Constitution by supporting the practice of religion or it will undermine the churches' freedom by imposing limits on religious expression."

Gore said the proposal would be accompanied by "strict safeguards." He said that "government must never promote a particular religious view, or try to force anyone to receive faith. We must ensure that there is always a high-quality secular choice available. We must continue to pro-

hibit direct proselytizing as part of any publicly funded efforts. And we must establish the same clear accountability for results we would expect of anyone who does the public's business."

A Gore campaign spokesman told Baptist News Service that the program would have to be implemented very carefully. "Groups that want to proselytize can do so, but not with public funds," he said. **Δ**

Religious freedom panel releases final report

U.S. actions "to promote religious freedom should be implemented at all levels: in Washington, at U.S. embassies abroad, and in multilateral organizations," according to a report released May 17 by a religious persecution panel.

The Advisory Committee on Religious Freedom Abroad submitted the report to Secretary of State Madeleine Albright and President Clinton. The panel was formed in 1997 to address religious persecution.

The report states that "a new consensus has begun to form in American society that promotion of religious liberty internationally should be an integral part of U.S. foreign policy."

The panel called for adequate funding for agencies that promote human rights and religious freedom, including the new State Department office on religious freedom established under the 1998 International Religious Freedom Act.

The act also created a 10-member commission that will monitor religious persecution and make recommendations to address it.

The advisory committee cited the need for "flexibility" in responding to religious liberty violations. It said that embargoes and other sweeping measures "are not advisable, except in response to the most grave ongoing injustice, and only on the condition that the basic human needs of innocent civilians continue to be met."

The report added, "Moral ends such as promoting religious liberty are properly pursued by moral means."

It "encourages those who engage in missionary activity to exemplify the same spirit of toleration and openness towards others that they seek from governments and local populations where they work."

Other recommendations included pleas to better equip U.S. embassies abroad to handle issues of religious freedom and modification of asylum laws to make it easier for those persecuted because of their faith to seek safety in the United States. **Δ**

Dear Mr. Vice President: Say it ain't so



Dear Mr. Vice President:

I know you. I like you. You mean well. But this time, as we say in Tennessee and Texas, "you've ripped your britches." Your speech in Atlanta, May 24, bugs me.

The very idea:

buying into Sen. Ashcroft's so-called "charitable choice" scheme — allowing government dollars for church ministries.

Right off the bat, I resent and reject your suggested **false alternatives** of "hol-low secularism or right-wing religion." Millions of Americans have a profoundly religious shared vision that is neither secular nor right-wing.

It's faith that is vital precisely because it is voluntary. It's people-serving programs that work because they are faith-based, not fund-based. When government "helps" religion it always has the touch of mud. It unfailingly hurts religion.

You've set up false choices like the straw men of a debater. These odious opposites, we too reject.

But, it's not a "dead-end debate" that keeps alive the separation of church and state. It is, rather, the dynamic dialogue that's been going on ever since little Mr. Madison defeated the popular Patrick Henry over this very issue.

Then, there's the matter of **false promises**. The notion that public funds will not "alter the religious character" of faith-based programs requires a leap of faith that even Kierkegaard couldn't make.

You're right, faith-based organizations (already governmentalized as "FBOs") do show special promise because they are free and faithful — words you and I know well as Baptists. With tax monies, however, come reporting, monitoring, regulation, oversight, inhibition, entanglement and boxing in.

That's not evil. It's just human. It's inevitable. It's necessary. We all want to know where our tax dollars go. We want a say in how they are spent. We yell about it. We think we can do better. And when the differences of religious opinion fuel

the fights, the battles get deafening and damaging indeed.

In fact, there's a hubris in not accepting the lessons of history and living with the humility called for by our humanity. Look at Ireland, Indonesia, India, the Balkans. Who do we think we are? We have a perfectly good plan, but we are not perfectly good people. False promises: part of politics, but you can do better.

Finally, there's evidence of **false premises**:

That government-generated money would "help" organizations begun and sustained to "lead persons to a saving relationship with Jesus Christ." We don't call that proselytizing.

The Christian Women's Job Corps, which you are right to cite, has touched thousands of lives in the Welfare to Work process. But the exciting program of the Woman's Missionary Union, Southern Baptist Convention, has not taken one penny of government "partnership," precisely because they want to call the shots in their own ministry.

That the legal distinction between "religiously affiliated" (organizations that can take tax dollars) and "pervasively sectarian" (organizations that can't) will not work. Who says? Maybe we've not worked hard enough at understanding, interpreting and applying that well-accepted distinction. Let's give it a try before we abandon it for something far riskier.

That Americans are afraid to make the connection between spirituality and politics. We're not. Every political debate is saturated with believers battling. Every institution of society has a theological tenor. Every crisis calls forth religious response. We simply say, "Uncle Sam, don't meddle with my church."

Religious freedom and church-state separation are a package deal.

Tinkering with the delicate balance of faith-based ministries could easily destroy the very distinctives that are the secret of their success.

Mr. Vice President, don't buy this "charitable choice" stuff; it's the wrong way to do right.

It's not too late to patch your pants. Tell us more, quick, please.

Florida board to appeal ruling on student prayer at graduation

A Florida school board has voted to appeal a court decision overturning its policy allowing student-approved prayers at high school graduation ceremonies.

The Duval County School Board voted 4-3 to seek a hearing before the entire 12-member 11th U.S. Circuit Court of Appeals. If the Atlanta-based court refuses to hear the case or rules against the district, the board intends to appeal to the U.S. Supreme Court. The Associated Press reported.

A three-judge panel of 11th Circuit ruled 2-1 on May 11 that the policy permitting student-generated graduation messages that could include prayer was unconstitutional.

The appeals court said graduating students who object to the prayers have no alternative to attendance at the graduation.

More than 300 people jammed the school board's meeting May 18 to encourage an appeal, favored by 60 of the 65 people who spoke at the meeting.

The appeal will come after graduation ceremonies are held this year. Δ

James

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

Welfare Reform & Faith-Based Organizations

*Edited by Derek Davis and Barry Hankins,
J.M. Dawson Institute of Church-State
Studies, Baylor University, Waco, Texas, 312
pp. Cost: \$13.95 paper; \$27.95 cloth.*



If there were a single source encompassing diverse perspectives about a statutory provision that "substantially alters the church-state landscape" would you be interested in reading it? If so, you will definitely want to make a trip to the local bookstore and purchase this book.

Published by the J.M. Dawson Institute of Church-State Studies at Baylor University, this volume is a compilation of essays analyzing the "charitable choice" provision of the 1996 welfare reform act, which makes "pervasively sectarian" organizations eligible for federal block-grant funds.

Presented at the institute's April 1998 symposium, the essays were composed by various theologians, public policy analysts, religious liberty lobbyists, and social service practitioners. They explore all sides of the charitable choice issue, including its history, implementation within the states and the pros and cons of the statute in relation to America's unique church-state arrangement.

In exploring the possibilities for social justice brought about by charitable choice, Jim Wallis of *Sojourners* and Call to Renewal praises the new welfare provision, calling it the beginning of a "new partnership." This endorsement, however, is qualified. In expressing his concern about the possible negative implications naturally associated with money from public coffers, Wallis maintains, "[I]t is unnecessary and counterproductive to rob the

religious character of faith-based non-profits." He believes opponents of charitable choice overreact in their claims that the new provision will secularize sacred institutions. "On the street," he explains, "it makes little difference whether a crucifix is on the wall or not."

Unfortunately for this "new partnership," within America's religiously pluralistic and geographically diverse society, not everyone lives "on the street" or shares such an iconoclastic belief. Therein lies the rub.

Melissa Rogers, associate general counsel of the Baptist Joint Committee, argues that there is nothing new about church-state partnerships and that charitable choice is simply "The Wrong Way to Do Right." She expands on Wallis' concern by holding that charitable choice, with all its regulatory strings, may cause churches to become mere "administrative centers of government benefits and services," which will distort the churches' religious mission and silence its prophetic voice.

This street-wise criticism of charitable choice is reinforced from the halls of academia. After discussing how the provision might fare under constitutional tests, Derek Davis, director of the institute, echoes Rogers' concern — "Religion with its hand out can never fulfill its prophetic role in society."

To be sure, the issues surrounding charitable choice are complex. But for those who believe religious freedom is beyond the regulation of the state and who object to giving public money to religious organizations, complexity is a small obstacle. The book is truly an excellent tool for better understanding of this new and controversial welfare provision.

— John Barber
Student, J.M. Dawson Institute
of Church-State Studies

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