

Nashville, Tennessee



REPORT FROM THE CAPITAL

Volume 54, No. 14

July 20, 1999

NewsMakers

◆ **James M. Dunn**, executive director of the Baptist Joint Committee, recently was awarded a doctor of humane letters degree by Linfield College in McMinnville, Ore.

◆ U.S. District Judge **Russell Clark** ruled that the use of a Christian fish symbol on the city seal of Republic, Mo., is unconstitutional. Former Republic resident **Jean Webb** sued the city in 1998, claiming the symbol created an uncomfortable environment for non-Christians and violated the separation of church and state. "While the purpose of placing the fish symbol on the city seal may not have been to endorse Christianity, the effect of the seal is to do so," Clark said. The city has used the symbol since 1990.

◆ **Arkansas Gov. Mike Huckabee**, a Baptist minister, stated in a recent column why he opposes instituting school prayer. "The issue of prayer in school becomes complicated when schools are government-run and attendance is compulsory," Huckabee wrote. "Outside of an education system where parents have true choice with numerous options, forced school prayer can become a tool of the state used upon what amounts to a legally captive audience." Huckabee's column appeared in *Arkansas Review*, a conservative monthly publication. Δ

Religious liberty bill clears House on 306-118 vote

The U.S. House of Representatives approved a bill July 15 that would require state and local governments to have a compelling reason before interfering with religious practices.

The Religious Liberty Protection Act, sponsored by Reps. Charles Canady, R-Fla., and Chet Edwards, D-Texas, was approved on a 306-118 vote.

Canady said the bill is designed "to ensure the free exercise of religion is not trampled on by the insensitive and heedless actions of government."

While recent legislative proposals in the wake of school shootings have threatened the Establishment Clause, Edwards said RLPA "does not focus on the Establishment Clause, rather it focuses on the importance of the Free Exercise Clause."

RLPA is Congress' second attempt to remedy the U.S. Supreme Court's 1990 *Employment Division vs. Smith* ruling, which made it easier for government to interfere with religious practices.

In 1993, the Religious Freedom Restoration Act was enacted to address the problem. But in 1997 the Supreme Court ruled that Congress lacked the authority to impose RFRA on the states. Lower courts have ruled that RFRA remains applicable on the federal level.

RLPA would use Congress' spending and commerce powers to limit the ability of states and localities to place substantial burdens on the free exercise of religion. It would require them to use the least restrictive means of furthering a

compelling state interest such as health or safety. A separate provision would protect churches and other religious organizations from excessively restrictive zoning laws.

RLPA is supported by a broad array of more than 70 religious and civil liberties groups, including the Baptist Joint Committee.

"The basic freedom, religious freedom, spawns and undergirds all other liberties," said BJC Executive Director **James M. Dunn**.

Still other religious and civil liberties

groups that supported RFRA now oppose RLPA. The conservative Home School Legal Defense Association opposed RLPA because of its use of the Commerce Clause to protect religion. The American Civil Liberties Union supported RLPA when it was first introduced in the last Congress but now opposes it as a possible threat to other civil and gay rights.

An amendment offered by Rep. **Jerrold Nadler**, D-N.Y., failed 190-234. It sought to prevent larger businesses from denying housing or employment to homosexuals because of religious beliefs. It would have exempted religious groups, individuals and very small businesses.

The Senate held hearings on federal legislation to protect religious liberty last month. President Clinton has issued a statement in support of RLPA and the Justice Department has voiced support for the constitutionality of the bill. Δ



"Americans should be free to practice their religion without interference from the heavy hand of government."

— Rep. Charles Canady

Quoting



"If some power has the right to grant toleration, it has the right in theory to take it away. ... Radical soul liberty will settle for no less than free, informed, religious choice. ... You may force people to conform in terms of practice and external appearances, but there is a sanctuary of the individual soul that it inviolable. In the final analysis, people will believe what they believe."

— Charles Wellborn

Professor of Religion Emeritus
Florida State University

Move past mere toleration, conference speakers say

LONDON (ABP) — In a world full of intolerance, even "mere toleration" of other faiths isn't enough. Speakers from various nationalities, religions and backgrounds made that point repeatedly at a Baptist-sponsored conference in London, July 8-10.

Conference speakers highlighted problems of injustice and inequity around the world, focusing on the conference theme — "Beyond Mere Toleration: Religious Liberty as a Basic Human Right."

The conference, attended by a select 100 participants from a dozen countries and religious backgrounds, also prompted plans for future endeavors including upcoming human-needs and human-rights projects in Armenia, Poland, Russia, Sweden and Africa.

"This wasn't just a Baptist or British meeting," declared James M. Dunn, executive director of the Baptist Joint Committee, co-sponsor of the event, along with the Cooperative Baptist Fellowship and Bloomsbury Central Baptist Church.

"It was a world meeting that looked at religious liberty and human-rights issues from a variety of perspectives and declared that we should not merely tolerate those who are different from us but value, respect and empower them," Dunn said. "It was a conference without borders — ideological, geographical or religious — to showcase the rights of neglected people in a complex world."

"Unless every person is valuable there can be no peace," said Kimete Basha, a native of Kosovo and wife of the Albanian ambassador to Belgium and Luxembourg. She is spearheading efforts to bring reconciliation between Serbs and her battered Albanian and Kosovar people.

Basha and other speakers urged people of faith to shun arrogance, persecution, segregation, violence and protectionism and practice humility, compassion and justice in a multicultural world.

Speakers explored the plight of various groups that are either not tolerated or barely tolerated, including the poor, racial and religious minorities and other citizens of the world powerless to help themselves.

Stanley Mogoba of South Africa joined others urging industrialized nations to do something about vast economic disparity between the world's rich and poor.

"As we enter the third millennium of Christianity, are we only going to drift along?" asked Mogoba, a Methodist bishop, president of the Pan Africanist Congress and a member of South Africa's parliament.

Sharing resources is the world's largest problem, and poor countries must get help to develop sustainable economies, said Mogoba, an advocate of "Jubilee 2000," a global movement urging the world's richest nations to "adjust the scales" of justice by canceling debts owed by poor countries.

Lonnie Turner, a Cooperative Baptist Fellowship representative and one of the conference planners, echoed Mogoba.

"Forty-one highly indebted poor countries borrow to service their debt, and service their debt to borrow, so they can earn the privilege to increase their debt," Turner said. "It's a vicious cycle. Countries starve their children to pay their debt."

Sociologist Eileen Barker of London noted that removal of religious freedom around the world from new or "strange" religious groups fractures the principle of religious freedom and creates an atmosphere for removal of those rights from older, more established religions.

Even older religious groups, such as Baptists, Assemblies of God and Catholics, have been singled out for persecution and restrictive legislation in various countries, she noted.

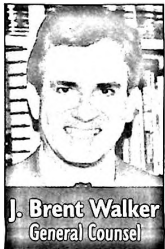
"We subscribe to a culture that describes these people as 'other,'" said Barker, a faculty member of the London School of Economics and internationally recognized expert in new religious movements.

A panel made up of Christian, Jewish and Muslim leaders urged people of faith to respect freedom for truth with a small "t," rather than just "The Truth" as they perceive it.

"We can do this without wishy-washy compromise about what we believe," said panelist Charles Wellborn, a Baptist and professor of religion emeritus at Florida State University. "Every person is entitled and compelled to proclaim his faith and free to convert if he chooses."

Addressing racial injustice, Rosemarie Davidson-Gotobed echoed a concept of the conference that human rights of various kinds are not isolated concerns. For example, "racial justice issues overlap with religious liberty issues because often a person's ethnic identity overlaps with religious identity," she said. Δ

Preacher Will's latest title rich in church-state wisdom



Will Campbell has written yet another gem of a book — his seventeenth! Titled *Soul Among Lions: Musings of a Bootleg Preacher*,* it contains, in Will's own words, "a medley of little ditties." He characterizes them as "highly sub-

jective, bubblings from the depths of one man's soul ... aroused to anger by the roaring of the lions."

To call the 30 admittedly short essays "musings" or "ditties" is to engage in rampant self-denigration. Actually, they all contain incisive commentary on a variety of current topics. These include homelessness, racism, the American flag, contemporary religion, capital punishment, the Southern Baptist Convention, rednecks, Y2K and impeachment. Preacher Will's hilarious and always irreverent wit bursts forth from every page.

When I first picked up the book, I promised to savor one ditty a day to spread out the enjoyment over at least a month. No way. I read all 63 pages on an airplane from Birmingham to Washington after the recent meeting of the Cooperative Baptist Fellowship. Oh, well.

The readers of this newsletter will be glad to know there are several great essays about Baptist principles and church-state issues. Preacher Will, in characteristic fashion, cuts through arcane theological and constitutional hairsplitting and offers some down-home, common-sense advice.

◆ **On Historical Revisionism:** He explodes the myth that the founders were all Bible-totin' evangelical Christians. No, they were mostly deists, Unitarians and even an atheist or two. They mainly wanted to ensure that the "beggary, the blood-letting inhumanity of theocracies" would not be a part of the American Experiment. "Church was never to be state. State was never to be church."

◆ **On Preserving First Principles:** Claiming to be a conservative in the true sense of the word, Preacher Will wants to hang on to old things like the First Amendment (separation of church and state) and the First Commandment (you shall have no other gods before me). Any attempts to deify political movements should be resisted at all cost. He calls on liberals, like the "Christian" Coalition, who want government to control everything, "to leave us conservatives alone!"

◆ **On School Prayer:** Taking the advice of his songwriter/singer friend, Tom T. Hall, Will would solve the problem of prayer in schools "by making it homework." Thus, "Muslims could pray to Allah, Jewish families to Yahweh, Christians in Jesus' name." And atheists? They can simply meditate.

◆ **Evangelism Strategy:** Puzzled by why a church would sue a "topless bar" that opened on its block, Preacher Will wonders what a bar without a top on it looks like, what its purpose would be and why it would be wrong. And if his wife is correct — that what goes on there is sinful — wouldn't we want it as close to the church house as possible? Maybe it would be easier to convert them!

◆ **On Soul Freedom:** Baptists love freedom — "soul freedom" we call it. Will points out that without freedom loving Baptists — like John Leland and Isaac Bachus — "there might never have been an ACLU." He decided to exercise his Baptist soul freedom to buy some Disney stock for his new grandson!

I'm sure you get the idea. It is classic Campbell; pure Preacher Will. Don't miss it. It is not only fun to read, you might learn something about what it means to be Baptist and about church and state, too. Δ

*Westminster John Knox Press: Louisville, Ky.

Groups endorse school-church partnerships

Not all partnerships between public schools and local churches, mosques and synagogues are constitutionally forbidden, according to recently released guidelines endorsed by a number of religious and educational groups.

The guidelines state that church-school partnerships can provide students with crisis counseling, mentoring programs, safe shelters and released-time religious education.

The guidelines were published by the Freedom Forum First Amendment Center, the American Jewish Congress and the Christian Legal Society.

Education groups endorsing the guidelines include the American Association of School Administrators, the Association for Supervision and Curriculum Development, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the National PTA and the National School Boards Association.

The guidelines were also endorsed by religious groups, including the Baptist Joint Committee, the National Association of Evangelicals, the Council on Islamic Education, the National Council of the Churches of Christ in the U.S.A. and the U.S. Catholic Conference. 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

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

REPORT (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee. Single subscriptions, \$10 per year. Bulk subscriptions available.

Ban on religious activities went too far, court says

A federal district judge went too far in his order barring school-sanctioned religious activities in an Alabama school district, a federal appeals court said July 13.

The appeals court instructed District Judge Ira DeMent to rewrite his 1997 order so that it does not prohibit "genuinely student-initiated religious speech" in DeKalb County public schools.

DeMent issued the order after Michael Chandler, a vice principal in the DeKalb County school system, challenged a 1993 state law authorizing non-proselytizing, student-initiated prayer at school-sponsored events.

DeMent struck down the state law and issued a permanent injunction barring DeKalb school officials from enforcing it. He also appointed a "monitor" — Chris Doss, director of the Center for the Study of Law and the Church at Samford University's Cumberland Law School — to oversee compliance with his order in DeKalb schools.

But in a 3-0 decision, the 11th U.S. Circuit Court of Appeals said DeMent cannot require school officials to bar "student-initiated religious speech" in school.

"Permitting students to speak religiously signifies neither state approval nor disapproval of that speech," the appeals court said. Allowing such speech, the court said, acknowledges the school's "constitutional duty to tolerate religious expression. Only in this way is true neutrality achieved." The panel ordered DeMent to revise the permanent injunction so that it does not "prohibit genuinely student-initiated religious speech, nor apply restrictions on the time, place, and manner of that speech which exceed those placed on students' secular speech."

The free speech rights of students are not without limits, the court said, noting that the school "may impose the same reasonable restrictions on the time, place, and manner of religious speech as it does on secular speech."

A student's right to express religious beliefs "does not extend to using the machinery of the state as a vehicle for converting his audience," the court added. "The Constitution requires that schools permit religious expression, not religious proselytizing."

The appeals court left in place DeMent's ruling that the Alabama law was unconstitutional on its face.

It also did not disturb his order barring school-organized or officially sanctioned religious activities — "vocal prayer, Bible and devotional scriptural readings, distribution of religious materials, texts or announcements, and discussions of a devotional or inspirational nature, in school or at school-related events, to include assemblies, sporting events, and graduation ceremonies."

Citing past efforts by DeKalb school personnel to encourage student participation in religious activities, the appeals court also left intact DeMent's appointment of a "monitor" to oversee compliance with the permanent injunction.

J. Brent Walker, general counsel at the Baptist Joint Committee, said "much of the 11th Circuit's opinion is right on target. It approved most of Judge DeMent's order."

Walker said the opinion is "misguided to the extent it approves of student prayer in the context of state-sponsorship, such as in the classroom, over the school intercom and at compulsory assemblies."

"Students do not have the right to lead a captive audience in prayer when the school compels or encourages their attendance," he added. Δ



**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

Non-profit Org.
U.S. Postage
PAID
Riverdale, MD
Permit No. 5061



BILL SUMNERS
901 COMMERCE ST STE 400
NASHVILLE TN 37203-3628