



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ Senate Majority Leader Trent Lott, R-Miss., has placed the Religious Liberty Protection Act on a "short list" of measures he plans to bring to the floor this year, according to the RLPA Leadership Group, which formed after several members of a larger coalition withdrew support for the bill. RLPA would require state and local governments to show a compelling reason before interfering with religious practices.

◆ Ralph Neas has been named the new president of People For the American Way. Neas, executive director of the Leadership Conference on Civil Rights for 14 years, will succeed Carole Shields, who has served as PFAW president since 1996.

◆ Janet Parshall, chief Family Research Council spokeswoman, was joined by 41 House lawmakers to kick off a national campaign to post the Ten Commandments in public places. The lawmakers have agreed to post a framed copy of the Ten Commandments in their Capitol Hill offices.

◆ Georgia Brady, an administrative law judge, ruled that a Hagerstown, Md., minor-league baseball team may continue to offer discounts to fans who bring church bulletins to special-promotion games as long as it offers the same discount to those who don't. ▴

## House rejects voucher rider to education spending measure

The House of Representatives defeated a voucher amendment Oct. 21 that would have established a five-year pilot program to allow students in "failing" public schools to receive a \$3,500 voucher to attend a public, private or parochial school.

The measure, which failed 257 to 166, was sponsored by House Majority Leader Dick Armey, R-Texas. Armey sought to add the measure to a bill that authorizes funds for Title I education services.

Armey's plan would have permitted governors to declare public schools "academic emergencies" in the same manner governors declare natural disaster areas after destructive weather. It would have permitted parents of students in grades one through five to apply for a voucher.

The \$100 million initiative would also have allowed parents of students who have been victims of criminal violence to apply for a voucher. It would have helped an estimated 27,000 students attend a school of their choice.

Armey said many parents have the money and the ability to move a child to another school when a school is failing. "But some people don't have those resources," Armey added.

Opposing the amendment on the House floor was Rep. William Clay, D-Mo. "To take one child out of an unsafe environment and leave the rest of the children in that unsafe environment does not make much sense. I would think you

would take the disruptive children — the ones who are causing the unsafe environment — out of that situation and leave all of the children in a safe environment," he said.

Clay said that "federal funding of private school vouchers raises serious constitutional issues that could jeopardize the independence of religious schools and disrupt the administration of Title I programs."

Religious, educational and civil liberties groups in the National Coalition for Public Education opposed the Armey amendment and another pro-

posed voucher rider in a letter to House lawmakers. The groups said that some private schools were already expressing concern about the "anticipated increase in accountability for the public funds private and religious schools would receive."

Brent Walker, executive director of the Baptist Joint Committee, said the fact that so many Republicans repudiated their leadership "speaks volumes about the lack of wisdom behind vouchers." Fifty-two Republicans joined more than 200 Democrats to defeat the measure.

Walker said that "one of the worst things government can do to religion is to try to give it a helping hand."

He added, "I can't, for the life of me, figure out how those who don't trust government to regulate commerce are willing to open the door to regulation of religion that inevitably follows government dollars." ▴



### VOUCHER VOTE:

YEAS — 166  
NAYS — 257

## Ohio appeals voucher case to Supreme Court

Ohio's attorney general has asked the U.S. Supreme Court to overturn a federal judge's order temporarily barring new students from taking part in the state's school voucher program.

State Attorney General Betty Montgomery made the request on Oct. 19.

U.S. District Judge Solomon Oliver Jr. is overseeing a lawsuit brought by civil liberties groups and other critics who say the program violates the constitutional separation of church and state. He ruled in August that only previous recipients could receive vouchers from the state until he decides the program's constitutionality.

In his August ruling, Oliver indicated voucher foes have a substantial chance of winning their argument that such programs violate the Constitution.

Oliver has set a trial date of Dec. 13.

The state appealed Oliver's injunction to a federal appeals court Aug. 30 but never received a response. "We are simply perplexed why the court of appeals has not issued any ruling (or even an explanation of its inaction)," wrote Montgomery. Δ

## U.S. Supreme Court rejects three church-state disputes

The U.S. Supreme Court sidestepped three church-state disputes Oct. 11 when it refused to review:

- ◆ the invalidation by New York's top court of a public school district created to provide special education for the Hasidic Jewish community of Kiryas Joel;

- ◆ lower court rulings that Maine properly refused to pay parochial school tuition for students living in rural areas not served by public schools; and

- ◆ the Pennsylvania Supreme Court's refusal to reinstate a law exempting the sale of religious publications and other religious articles from the state sales tax.

Earlier, the high court stayed the ruling invalidating the Kiryas Joel school district. But only three justices — Sandra Day O'Connor, Antonin Scalia and Clarence Thomas — voted to hear the case, one short of the four votes needed to grant review.

New York lawmakers first created the district in 1989 to provide special education services for disabled Satmar Hasidic students. The district was challenged in court and struck down by the U.S. Supreme Court in 1994 because it singled out the Satmar community for special treatment. At issue before the high court this time was New York's third try at creating the school district.

"The non-neutral effect of the statute is to secure for one religious community a unique and significant benefit — a 'public school' where all students adhere to the tenets of a particular religion — unavailable to all other similarly situated communities," New York's top court said.

At issue in the Maine dispute is the state's exclusion of religious schools from a program that provides private school tuition for students residing in areas not served by public schools.

The ban on taxpayer-funded tuition at religious schools was challenged in state and federal courts, but it was upheld by the Maine Supreme Judicial Court and the 1st U.S. Circuit Court of Appeals.

At issue in the Pennsylvania case is a 1971 state law that exempts from sales tax "religious publications sold by religious groups and Bibles and religious articles."

Pennsylvania's highest court said that because the statute exempts only religious publications and articles, it provides the same "preference for communication of religious messages" that the nation's high court struck down in a 1989 Texas case.

The Pennsylvania court noted that the Texas legislature later broadened its exemption statute to include a range of nonprofit organizations. The Pennsylvania exemption lacks the broad coverage later enacted by Texas lawmakers, the court said, "and it is the role of the Pennsylvania legislature, and not the function of this Court, to remedy this deficiency." Δ

## Religious liberty panel seeks action against two countries

The U.S. Commission on International Religious Freedom urged President Clinton and other officials to take action against religious persecution in China and Sudan.

The commission made its appeal in an Oct. 19 meeting with Clinton, National Security Adviser Samuel Berger and White House Chief of Staff John Podesta.

Rabbi David Saperstein, chairman of the commission, said the panel decided to focus initially on three countries — China, Sudan and Russia.

China and Sudan were among countries recently listed by the U.S. State Department as "countries of particular concern" because of religious liberty violations.

Listing "countries of particular concern" was mandated by the International Religious Freedom Act, which requires the president to take action against listed countries within 90 days or notify Congress if no penalty is to be imposed.

The commission urged the president to apply sanctions aimed at Sudan's new oil pipeline. The panel said revenues from the pipeline would insulate Sudan from broad economic sanctions and "perpetuate the 16-year-old civil war which has already claimed the lives of 2 million Sudanese."

The panel also urged Clinton to "speak out more forcefully and frequently" against religious freedom violations in Sudan.

The commission urged Clinton to "raise religious freedom issues as often and as prominently as possible in meetings with Chinese officials." It said China's listing as a country of particular concern "must carry consequences if the International Religious Freedom Act is to be taken seriously."

On Russia, the commission urged the development of new policies to address "the regressive trend toward violations of religious freedom." The commission said the link between religious persecution and "extreme nationalism" in Russia should be weighed as a significant factor in shaping U.S. policy. Δ

# If organized religion is a crutch, I'm one who's grateful for it



**Melissa Rogers**  
Associate General Counsel

Call me weak-minded. That is, if Minnesota Governor Jesse Ventura is right when he states, according to news reports, that organized religion is "a crutch for weak-minded people."

In the past few weeks, I profited from my Sunday school class' study of some challenging teachings of Jesus in his Sermon on the Mount. According to Matthew's account of the sermon, Jesus says:

Take no thought for your life, what ye shall eat, or what ye shall drink; nor yet for your body, what ye shall put on ...

Consider the lilies of the field, how they grow; they toil not, neither do they spin;

And yet I say unto you, That even Solomon in all his glory was not arrayed like one of these. (Matthew 6:25-29)

Given that I worry frequently about family, jobs and money, how do I bring my life into compliance with the teachings of Jesus?

Jesus also told his followers to "love your enemies, bless them that curse you, do good to them that hate you and pray for them which despitefully use you and persecute you." (Matthew 5:44) How do I bend my human nature to adhere to Jesus' teachings? I was grateful to have the opportunity to discuss these passages of scripture with fellow Christians.

On a recent Sunday morning, I listened to a sermon titled, "When I die ..." In his sermon, Howard Roberts, pastor of Ravensworth Baptist Church, noted that "Jesus said it is by giving that we receive; it is by losing

that we gain; and it is by dying that we live. It is when we come face to face with our own deaths, admit that we are mortal and struggle with what that means intellectually, emotionally and spiritually that we are really able and ready to live." Frankly, I can use a little help in confronting such uncomfortable, fundamental issues.

On Wednesday night, our church discussed missions giving. Members of our church had spent hours carefully researching and considering a host of missions groups that we currently support with our church budget. We struggled with how we should collectively strengthen these organizations that build our faith and comfort others in need. I'm so thankful that religious people pool their time, talents and resources to form organizations to reach their neighbors. We can do so much more together than each of us could do alone.

At times organized religion may suffer from common human foibles — churches can become insular social clubs if we aren't careful. As long as they are made up of sinful people, churches will never be perfect.

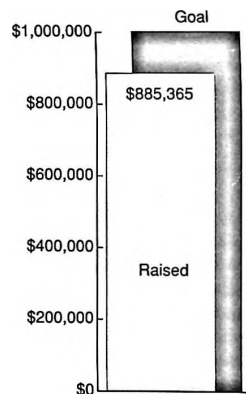
But the organized religion I know is no "sham," as Governor Ventura terms it. It is, rather, a place to learn and be both comforted and challenged. It is a place where, when praying together or singing a hymn, the collective experience becomes infinitely more powerful than the sum of its parts.

If this type of organized religion is a crutch, then all I can say is, thank God for it. Δ



The goal is to guarantee that there will always be a Baptist Joint Committee, the witness to religious liberty, the testimony for church-state separation, the authentic Baptist voice on Capitol Hill.

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— James M. Dunn  
President  
Baptist Joint Committee  
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## Religion in Politics: Constitutional and Moral Perspectives

Michael J. Perry, New York, N.Y., Oxford University Press, 1999 (paperback), 168 pp.



In his latest book, *Religion in Politics*, Michael Perry takes on the ambitious task of explaining the laws and issues informing the role of modern religion and its relationship to political policy making. The piece follows a comprehensive outline whereby Perry explains the constitutional norms regarding religious practice, the issues shaping religious arguments in politics and the prospect of engaging these arguments as a basis for political choice.

Throughout the work, Perry, a law professor at Wake Forest University, pays careful attention to the wide range of voices speaking to the issues of faith in politics and offers insights that provide readers with an opportunity to consider critically a preferred role of religion in state affairs. The author illuminates this complicated subject throughout the work as key words are defined and the parameters of the law are carefully explained. As the book develops, logic prevails and readers face a series of facts and ideas that generate a conscientious reconsideration of religion's role in politics.

Central to Perry's discussion, and the subject of the first chapter, is constitutional law. Employing the ideas of various constitutional theorists, the chapter covers basic concepts such as free exercise and no-establishment and explores the confusion and conflict these principles have caused. The author meticulously explains the Constitution and faithfully points out

instances in which controversial interpretations have occurred. Perry suggests, for example, that the controversy over free exercise begins when the concept is used to do more than protect from discrimination. He also explains that were it not for a no-establishment clause, politicians would be more inclined to solicit favors from different groups and individuals. This type of advice will prove invaluable for readers looking to understand basic constitutional restrictions.

Although Perry is a Christian, he maintains an air of objectivity and provides advice that may not seem altogether comfortable to the religious observer. For instance, he calls people of faith to remember the convictions and beliefs that govern their personal decisions while allowing for policy making that doesn't polarize citizens outside the church. This type of compelling observation challenges readers and makes it an important book for anyone involved in public policy — from a member of Congress to an average voter.

With *Religion in Politics*, Perry offers a stimulating text that deserves attention. His brand of conscientious Christian reasoning is welcome in an age of frequent political breaches and an ever-graying line separating church and state. Perry's detailed writing, good eye for social observation and vast legal acumen all come through in the reading of this book. Δ

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