



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **Rob Sherman**, a Chicago talk-radio host and atheist, is calling a 1972 sale of public land to a private group "blatantly unconstitutional." The Idaho Jaycees purchased the land in hopes of thwarting a lawsuit seeking to remove a 60-foot cross they had built on a bluff overlooking Boise, Idaho. Sherman wants the cross removed. Idaho Gov. **Dirk Kempthorne** and Sen. **Larry Craig**, R-Idaho, have pledged to support the display.

◆ Georgia Attorney General **Thurbert Baker** issued an opinion to the Georgia State Board of Education warning of the "strict legal limitations" for teaching the Bible in public high schools. The board is considering curriculum from the National Council on Bible Curriculum in Public Schools, which critics charge goes beyond what is constitutionally permissible.

◆ **Samuel Casey**, executive director of the Christian Legal Society, said he understood that time constraints and other pressures prevented Senate Majority Leader **Trent Lott**, R-Miss., from following through on a promise to bring the Religious Liberty Protection Act to the Senate floor this year. The bill would strengthen religious liberty protections. But Casey said if no vote occurs by the end of 2000, "that's a whole nether kettle of fish." ▽

## High court hears arguments in dispute over parochial aid

The U.S. Supreme Court will have to decide by next summer whether or not the Constitution bars the government from furnishing computers and other equipment to religious schools.

Justices heard arguments Dec. 1 in a dispute over a 33-year-old federal statute that provides instructional equipment and materials to the nation's schools — public, private and religious. A federal appeals court invalidated a Louisiana school district's implementation of the program because it violated church-state separation.

But another federal appeals court upheld a similar program in California.

Justices asked lawyers from both sides where the line should be drawn between impermissible and permissible public aid to religious schools.

Arguing for taxpayers who opposed the instructional aid, Lee Boothby said computers can easily be used to inculcate religion. He told justices that what is at stake in the case "is our historic commitment to the principle" that taxpayers must not be forced to pay for the religious education of others.

Arguing in favor of providing the computers and other equipment to the Jefferson Parish school district was University of Utah law professor Michael McConnell. He told reporters after the argument that he would not be surprised if justices unanimously approved the computer aid program. "Why on earth would you deny it?" he said, arguing that

parents of students attending religious schools "pay taxes like everybody else."

The Jefferson Parish program was first challenged by a group of taxpayers in 1985. Of the 46 Jefferson Parish private schools participating in the federally

funded program, 41 are parochial schools. In striking down the program, the appeals court cited 1970s Supreme Court rulings that upheld the loan of textbooks but not equipment to parochial schools.

It is wrong to force taxpayers to support religion.

— Melissa Rogers



The Clinton administration argued in favor of the aid program.

A brief filed by Baptist Joint Committee General Counsel Melissa Rogers opposed the aid. Addressing historical issues surrounding James Madison and the adoption of the First Amendment, the brief took issue with claims the First Amendment was intended merely "to prevent favoritism or coercion in matters of religion."

The BJC brief argued that "Madison and his fellow Virginians opposed any aid to religion, not simply 'favoritism' of certain religion(s) over others. Madison and others took this position not to harm religion, but to protect it."

After the high court arguments, Rogers told reporters that it is wrong "to force taxpayers to support religion." She also said it is "wrong and counterproductive for religion to have the support of the state — it leads to excessive entanglement and ultimately to state control of religion." ▽

## Controversy erupts over choice of House chaplain

The House leadership's decision to bypass a Catholic priest thought to be the front-runner to become chaplain of the House has drawn criticism from Catholics and others.

An 18-member House panel screened almost 50 candidates for the job, which was recently vacated by the Rev. James Ford, a Lutheran who held the post for 21 years. In secret balloting, the panel named its three top contenders — the first being the Rev. Timothy J. O'Brien, a Catholic priest.

But House GOP leaders selected the Rev. Charles Parker Wright, who came in third. Wright, a Presbyterian minister long associated with Washington's National Prayer Breakfast, also trailed the Rev. Robert Dvorak from the Evangelical Covenant Church.

Several Democratic lawmakers said they believe Wright was selected because GOP leadership either wanted to placate the mostly Protestant religious right or was simply uncomfortable having a Catholic.

O'Brien told reporters that if he had belonged to "any mainline Protestant denomination" he would have the job.

A spokesman for GOP House Speaker J. Dennis Hastert, R-Ill., said Hastert thought Wright was the candidate who "would jell the best with the members and their families." Δ

## Henry named administrator at Baptist Joint Committee

Wanda Henry has been named administrator at the Baptist Joint Committee. She succeeds Karen McGuire, who recently joined the staff of Columbia Baptist Church in Falls Church, Va.

Henry served from 1982-1997 as senior contract specialist/contracting officer for the U.S. Secret Service. Earlier, she served as a procurement agent for the U.S. Customs Service.

In 1979 Henry earned a bachelor of science in business administration degree from American University in Washington. In 1998 she received a master of divinity degree from Howard University Divinity School and now is pursuing advanced theological studies at Wesley Theological Seminary in Washington.

An ordained minister, Henry has also served on the staffs of Riverside Baptist Church and the District of Columbia Baptist Convention.

McGuire had served as BJC administrator since March 1995 and previously held administrative positions at the Woman's Missionary Union, Southern Baptist Convention; Palm Beach Atlantic College; and several government agencies, including the departments of Housing and Urban Development, Energy and Defense.

"Karen's skills, dedication and personality have kept our operation flowing smoothly," said BJC Executive Director Brent Walker. "Columbia's gain is our loss."

"But, I'm excited about the addition of Wanda to our staff," he added. "I'm confident her educational background, commitment to ministry and her experience in both the public and private sector will allow her to hit the ground running and that she will enhance the work of the Baptist Joint Committee." Δ



Wanda Henry

## Ministers given window to re-enter Social Security plan

Congress has opened a temporary window to allow ministers who opted out of Social Security back into the system.

Priests, pastors, rabbis and other ministers may exempt themselves from paying

Social Security taxes if they object to the program on religious grounds. But once a minister opts out, it is irrevocable.

Congress attached the ministers provision Nov. 18 to a broader bill designed to help Medicaid recipients who lose benefits when they return to the workforce.

Deirdre Halloran, associate general counsel at the U.S. Catholic Conference, said that years ago several ministers "got bad advice" on opting out of the program "and did not fully appreciate the consequences of their actions, particularly as they approached retirement."

But Halloran said as they age, "they wake up and smell the coffee" and realize that they will not receive Social Security benefits, including Medicare coverage.

Halloran estimates that there are only "pockets" of ministers that opted out of the Social Security system in the first place but said they should take this opportunity to buy back in. "We don't believe that any future Congress is going to look kindly on reopening this issue somewhere down the road," she said. Congress provided a similar temporary window in 1986.

To qualify, ministers must apply by April 15, 2002, and they will still have to pay into the program for 10 years before they can begin receiving any benefits. Δ

## ACLU sues Salt Lake City over sale to Mormon church

The American Civil Liberties Union has sued Salt Lake City over its sale of Main Street property to the Mormon Church.

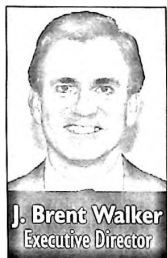
In April, the city sold a block of Main Street to the church for \$8.2 million. The former public property ran through the center of historic Temple Square, an area that includes the Salt Lake Temple and other Mormon buildings.

Terms of the sale state that the church must permit 24-hour public access to the square but can ban almost any other activity — including smoking, begging, inappropriate dress, partying and lewd or vulgar behavior. But civil libertarians are most alarmed that the church is allowed to prohibit assembling, picketing and demonstrating, news reports said.

The suit claims the city has violated the First Amendment rights to free speech and assembly. While the Church of Jesus Christ of Latter-Day Saints is not named in the suit, it could be brought in later.

Von Keetch, an attorney representing the church, said that "the church has property rights here, and it will strongly defend those rights." Δ

# Foes of Bible-in-school guidelines make strange bedfellows



J. Brent Walker  
Executive Director

**T**he Bible is the most important book in the world. Some think it is the actual words of God. Others believe that it was written by people, uniquely inspired by the Holy Spirit. Most everyone at least concedes that it is a work of fine literature worthy of being read and understood.

Biblical literacy, therefore, is part of being an educated American, whatever one's religious affiliation or commitment. That's why it's so important that the Bible — and other sacred literature, as well — be included in the public school curriculum. No, it should not be read devotionally in the classroom as in a worship service or Sunday school. The Supreme Court correctly so ruled in 1963. But it should not be ignored either. In that same decision, Justice Tom Clark said:

[I]t might well be said that one's education is not complete without a study of comparative religion or the history of religion . . . . It certainly may be said that the Bible is worthy of study for its literary and historic qualities. *Abington v. Schempp*, 374 U.S. 203, 225 (1963)

The Court went on to conclude that the objective study of the Bible is both constitutionally protected and desirable.

It is important that we help our public school teachers do it right. Many of us, including the Baptist Joint Committee, have endorsed a helpful statement called "The Bible and Public Schools: A First Amendment Guide." (See *Report from the Capital*, Nov. 23, 1999, p. 4) The guide explodes the wrong-headed assumption that public schools should be either "sacred" or "religion-free." It endorses a third model, "one in which the public schools neither inculcate nor inhibit religion, but become places where religion and religious conviction are treated with fairness and respect."

The guide then discusses, among other things: how the Bible fits in the curriculum, teaching about the Bible, the Bible as literature, the Bible in literature, teacher selection and training, the Bible and history and the Bible and world religions. It also affirms the rights of students to study the Bible devotionally in Bible clubs, to distribute religious literature and to talk about their faith and the Bible with their peers.

Isn't this approach positive, proactive, pro-education and, indeed, pro-religion? Of course it is. That's why I was surprised to read that the Southern Baptist Convention's Ethics and Religious Liberty Commission has criticized much of it publicly. Why? Baptist Press quotes Richard Land as saying, the fact that People for the American Way and other "very liberal" groups endorsed the guide "should make us very cautious." (Never mind that the National Bible Association, the National Association of Evangelicals, the Christian Legal Society and the Christian Educators Association International enthusiastically support it.) He also objected that it is "extremely difficult, probably impossible" to teach the Bible objectively and fairly and opposes "a role for the public school to start teaching about religion and about the Bible." (Yes, teaching about religion in general and the Bible in particular is challenging. But, it is too important not to try.)

So the Ethics and Religious Liberty Commission wants to keep the Bible out of the public school classroom and disassociate itself from "liberal" groups like People For the American Way. But irony of ironies, the only other group I'm aware of who has publicly criticized the guide is the American Atheist Association! Using similar words in a press release, Ellen Johnson, president of the American Atheists, said that it would be "difficult if not impossible" to teach about the Bible in an objective and balanced way.

As head of an agency often criticized for consorting with supposed liberals, it is hard to resist the temptation to ask the real "liberals" to please stand up? Δ



"Memorial and Remonstrance" — that's what James Madison called his eloquent and effective protest against the proposal in Virginia to use tax money to advance religion.

"Otherwise-minded" — that's what the theocrats in Massachusetts called Roger Williams and his followers in Rhode Island who insisted upon separation of church and state.

You can remonstrate and memorialize religious liberty by giving to the Endowment of the Baptist Joint Committee.

You, too, can be among the "otherwise-minded" being sure that there will always be a BJC.

If everyone who pledged to the endowment when it was announced at our 60th anniversary follows through with that pledge this month, we'll meet our goal of a million dollars by the new millennium. Mark your check "endowment."

*James H. Walker*

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- ◆ 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

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## The Myth of Christian America What You Need to Know about the Separation of Church and State

Mark Weldin Whitten (Macon, Ga.: Smyth & Helwys Publishing, 1999) 122pp.



In his book, *The Myth of Christian America*, Mark Whitten seeks to inform the reader of the facts surrounding religious liberty and its place within the Constitution. He offers strong opinions to "counter the mythology and misinformation that is widely being perpetrated among conservative Christians today." He states his convictions respectfully while remaining passionate about what he believes to be the truth. For example, he asserts that the myths surrounding the idea of a Christian America are motivated by "mythological and ideological thinking, that seeks to justify the present-day political agenda of the Religious Right."

Whitten begins with background on the religion clauses in the First Amendment and continues to dissect the actions of the Founders and the history surrounding the events at the Constitutional Convention of 1787. In appendices he provides valuable historical documents that support his arguments, such as excerpts from the Constitution and Jefferson's "A Bill for Establishing Religious Freedom" and his letter to the Danbury (Conn.) Baptist Association.

Whitten refutes several myths commonly held by the religious right. One of those myths is that the religion clauses in the First Amendment were intended to set up a Christian nation. He points out further that "even the religious liberty of professed Christian churches might be threatened by a narrow, nonpreferentialist inter-

pretation of the First Amendment." Another myth is that the founders did not intend to separate church and state in America because those actual words do not appear in the Constitution's text. Whitten then counters with powerful arguments to show that separation is a constitutional principle.

While informing the reader on historical issues, he recognizes the tension between those who believe in religious liberty, but have opposing ways of supporting it. There is a line that divides those with differing religious liberty strategies: church-state accommodationism vs. separationism. He asserts that "the separationist may recognize that the accommodationist is not necessarily an enemy of the Constitution, and the accommodationist may recognize that the separationist is not necessarily an enemy of religion." The religion clauses in the First Amendment need both strategies to harmonize at times in order to allow religious liberty to sing.

My moral and spiritual conscience was piqued by this book. How do I remain passionate about the truth of my convictions while respecting those who disagree with me? Whitten wisely advises that, "if our society cannot transcend the internecine warfare and incivility between ideologues of the right and the left, we will continue to antagonize each other and to polarize our nation in cultural warfare."

This book is a good resource to educate pastors, laypersons and youth on the importance of religious liberty. Discussion questions are added to the end of each chapter, reflecting upon the main points and probing readers to think about the author's statements. These questions serve as a springboard for individual contemplation about the issues.

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