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REPORT FROM THE CAPITAL

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NewsMakers

◆ Elliott Abrams, chair of the U.S. Commission on International Religious Freedom, urged top U.S. officials to denounce forcefully the targeting of holy places of any religion in Israel and the Occupied Territories and to condemn those who call for violence in the name of religion.

◆ Rabbi Leon Klenicki will retire effective Jan. 31 as the Anti-Defamation League's liaison to the interfaith community. He will continue as a consultant to the ADL on interfaith matters. Abraham Foxman, the ADL's executive director, cited Klenicki's strong reputation among Christian churches. "Most importantly, Leon has had a profound impact on the way Judaism is presented in Christian educational institutions in the United States and around the world," Foxman said in a statement.

◆ Gordon C. Bennett, a retired professor from Eastern College in St. Davids, Pa., and former U.S. Sen. Mark O. Hatfield of Oregon, will receive the Edwin T. Dahlberg Peace Award during the 2001 American Baptist Churches biennial meeting in Providence, R.I., in June.

◆ Sociologist of religion Robert N. Bellah and Baptist minister Will Campbell were among recipients of the National Humanities Medals awarded Dec. 20 by President Clinton. Δ

Federal appeals court rejects Cleveland's voucher program

Cleveland's school voucher program violates the constitutionally required separation of church and state, a federal appeals court ruled Dec. 13.

The 2-1 decision by the 6th U.S. Circuit Court of Appeals was yet another setback for voucher supporters, who lost state-wide votes on voucher initiatives in California and Michigan in November.

It set the stage for a possible review by the nation's highest court, which has yet to address the constitutionality of vouchers.

The appeals court cited the numerical dominance of religious schools in the Cleveland program, which provided up to \$2,250 per year for students attending private schools. During the 1999-2000 school year, 96 percent of the 3,761 voucher recipients in the Cleveland program were enrolled in religious schools.

"To approve this program would approve the actual diversion of government aid to religious institutions in endorsement of religious education, something 'in tension' with the precedents of the Supreme Court," the appeals court said.

The Cleveland program did not permit parents to choose freely from a range of private and public schools but restricted their choice "to a panoply of religious institutions," the appeals court said.

"This scheme involves the grant of state aid directly and predominantly to the coffers of private, religious schools,

and it is unquestioned that these institutions incorporate religious concepts, motives, and themes into all facets of their educational planning.

"There is no neutral aid when that aid principally flows to religious institutions; nor is there truly 'private choice' when the available choices resulting from the program design are predominantly religious," the appeals court concluded.

Groups favoring church-state separation hailed the decision.

"The appeals court got it right," said Brent Walker, executive director of the Baptist Joint Committee. "Passing vouchers through the pockets of parents does not cure the severe constitutional crisis posed by financing the teaching of religion with taxpayer dollars."

Clint Bolick, litigation director of the Institute for Justice, a Washington-based public interest firm that represented families defending the program, vowed to appeal the case to the Supreme Court and predicted the appeals court decision would be short-lived.

"This is the U.S. Supreme Court test case we've been waiting for to remove the constitutional cloud from school choice once and for all," Bolick said in a statement.

"If this program is allowed to die, 4,000 low-income kids will be forced to leave the only good schools they've ever attended," Bolick said. "The Supreme Court won't allow that to happen without considering their plight." Δ



Law allows patients to stay in religious care facilities

Jewish leaders are praising a bill passed by Congress and signed Dec. 21 by President Clinton that will allow senior citizens to stay in religiously affiliated nursing homes even if the homes are not covered by their health-maintenance organizations.

Clinton signed the measure as part of the final spending bill for the next fiscal year sent to him by Congress. The "Return to Home" legislation had languished on Capitol Hill for several years and was revived this year by a coalition of religious groups.

Under the legislation, Medicare patients who suffer an acute illness — such as a stroke or broken hip — and need rehabilitative care will be allowed to return to their care facilities for rehabilitation, even if that facility is not covered under their HMO plans. Supporters said the current system forced many patients to be transferred to facilities far away from friends, family and their own doctors.

The bill received wide support from across the religious spectrum, including the Evangelical Lutheran Church in America and the Catholic Health Association. Δ

Religious leaders laud Bush's support of faith-based groups

Leaders from a range of the nation's faith groups came away from a meeting Dec. 20 with President-elect George W. Bush saying they are convinced he is committed to greater interaction between church and state in his new administration.

"In the White House, there will be an office of faith-based programs, a place where people will feel comfortable about bringing their ideas, and a place where people will feel comfortable about bringing their complaints," the president-elect told the gathering.

Between Cabinet appointments, Bush spent more than an hour with the interracial, bipartisan group that included about two dozen representatives of Christian, Jewish and Muslim groups.

During his campaign, Bush had emphasized his interest in faith-based organizations and his support of charitable-choice legislation, which enables faith-based groups to use public funds for job training, food and basic medical care.

Murray Friedman, regional director of the American Jewish Committee in Philadelphia, said he was "heartened" by Bush's plans, despite his organization's current opposition to charitable choice legislation.

"The very fact that he scheduled a meeting of this kind in the midst of picking his Cabinet and all the pressures that are on him seems to me to be indicative of a serious view of the attempt to bring the faith-based activism into public policy endeavors," said Friedman.

The Jewish leader said he warned Bush that he was "moving into heavy weather" regarding faith-based activism because some groups are worried about religious entities becoming dependent on government funding and others are concerned about proselytism in religious settings providing federally funded programs.

"I said to him that you really need to develop a set of ground rules because it's a brave new idea," Friedman said.

But Bishop Carlton Pearson, a Tulsa, Okla., pastor who encouraged black Republican support for Bush during his campaign, said he thinks Bush will be able to build bridges between government and religion.

"He's showing us the way to get around the paranoia of this whole idea of separation of church and state," said Pearson. "Nobody wants to be under control of the

other, but we do want to work and walk together."

Ron Sider, president of the Philadelphia-based Evangelicals for Social Action and a registered Democrat, said he left the meeting convinced that Bush wants to help the poor.

"I came away with a strengthened sense that he really does mean what he's talking about in terms of compassionate conservatism, that he is going to place major emphasis on the role of faith-based organizations in overcoming poverty," he said.

But Sider said while he and others may welcome the idea of an office addressing faith-based initiatives, that does not mean the government should leave social concerns solely in the lap of religious organizations. Δ

Ten Commandments display invalidated by appeals court

A federal appeals court ruled Dec. 13 that a Ten Commandments monument on the lawn of a government building in Elkhart, Ind., is unconstitutional.

The decision by the 7th U.S. Circuit Court of Appeals overturned a district judge's ruling that the granite structure did not violate the Constitution's Establishment Clause.

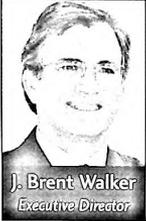
"We cannot escape the conclusion that the purpose in displaying this monument was to promote religious ideals," the appellate court ruled in a 2-1 decision. The court also said the city did not try to "diminish its religious character."

The monument, erected in 1958, became the source of controversy in 1998, when the Indiana Civil Liberties Union sued the city on behalf of two city residents who were offended by it.

Mayor Dave Miller said the court's action "demonstrated a contempt for the principles of the foundation for our republic" and said his city plans to appeal the decision to the U.S. Supreme Court. "I am deeply disappointed," Miller said in a statement. "If these judges wish to see the fruits of a nation that does not revere the Ten Commandments, I invite them to move. They're trying to create a despotic community here."

Church-state separationists applauded the ruling. "Obviously, we're very happy about it," said Ken Falk, legal director of the Indiana Civil Liberties Union. "We think that the monument both was on the property to effectuate a religious purpose and also that people seeing it will view it as endorsement of religion." Δ

Charitable choice, vouchers key proposals for new administration



J. Brent Walker
Executive Director

When Ralph Nader said there was little difference between the two major political parties and their presidential tickets, he could not have been more wrong. Certainly there are stark differences when it comes

to the relationship between church and state. The inauguration of George W. Bush and the expected confirmation of his attorney general nominee, John Ashcroft, portend stormy weather for those who champion the separation of church and state.

President-elect Bush has been a staunch supporter of charitable choice. He is thoroughly committed to encouraging churches and other pervasively religious groups not only to cooperate with government, but to receive tax dollars to finance their social ministries.

His nomination of Sen. Ashcroft demonstrates the intensity of this commitment. Sen. Ashcroft was the primary architect of the charitable choice provisions in the 1996 welfare reform legislation. In fact, he introduced the Charitable Choice Expansion Act — an attempt to apply the principles of charitable choice to all federal social service legislation in one fell swoop.

In addition, President-elect Bush wasted little time in trying to sell his charitable choice plans. The week before Christmas, he met in Austin with a group of religious leaders, many from the African American community (see Page 2). This shows an insensitivity to constitutional principles, and it represents an attempt to buy off a constituency that overwhelmingly opposed the Bush/Cheney candidacy.

Charitable choice battles will rage almost right away. Modest Democratic support makes passage likely in Congress. We are ready for the fight. The Baptist Joint Committee has completed a set of guidelines cataloging the pitfalls associated with local churches taking government money. They provide overar-

ching principles, illustrative examples, a list of dos and don'ts and a set of questions with helpful solutions and answers. These guidelines will provide a word of sanity and a common-sense solution to the public debate about charitable choice. They show how government and religious organizations can cooperate in ways that respect the separation of church and state, preserve the autonomy of religious bodies and help the poor at the same time.

Education voucher legislation also promises to be an issue that will flare up soon. President-elect Bush has supported the concept of vouchers, particularly in terms of federal aid to so-called "failing schools." He also sought, but fell short of passing, a more ambitious voucher plan in Texas. The smart money in Washington, though, says that President-elect Bush will likely soft-pedal his voucher proposal. A closely divided Congress and near-unanimous Democratic opposition to vouchers spell political trouble in the House and Senate. Moreover, President-elect Bush's Secretary of Education nominee, Roderick Paige, is not an avid advocate of vouchers. True, as superintendent of the Houston Independent School District, he approved a scaled-back voucher scheme for non-sectarian schools. But he has never demonstrated much enthusiasm for a more robust voucher plan that would funnel federal money to church schools.

Nevertheless, the forces that champion vouchers for religious schools will not relent. They will not be deterred by the failure of voucher initiatives to pass in California and Michigan in November.

Like the charitable choice guidelines, the Baptist Joint Committee has ammo here, too — report cards on vouchers that show why vouchers receive an "F" on a variety of scores. The fliers are conveniently sized to be inserted in most church bulletins. We will be glad to send you as many as you need.

So the fight is about to begin. We are up to the task and welcome your help in defeating misguided charitable choice initiatives and wrong-headed voucher schemes both at the federal and state level. Δ

Appeals court rejects challenge to Christmas as federal holiday

A federal appeals court has ruled that Christmas can remain a federal holiday.

The ruling Dec. 19 by the 6th U.S. Circuit Court of Appeals upheld a district court's dismissal of a suit by Ohio attorney Richard Ganulin, who filed suit in 1998 to try to get Christmas removed from the list of federal holidays.

A district court ruled a year ago that "the government can establish legal public holidays for secular reasons and its citizens can choose to celebrate the holidays in a religious manner without contradiction."

Ganulin had questioned whether it was constitutional to have a statute making Dec. 25 a legal public holiday.

Ganulin is Jewish and believes the government's endorsement of Christmas as a holiday makes people such as himself seem like outsiders, the Associated Press reported.

"A person's set of beliefs establishes their identity," said Ganulin, an assistant city solicitor for Cincinnati, who filed the suit as a private citizen. "These beliefs contradict my identity."

Roman Storzer, a lawyer for the Becket Fund for Religious Liberty, welcomed the decision.

"Christmas is an important part of American culture," Storzer said. Δ

Baptist Joint Committee

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- ◆ Baptist General Association of Virginia
- ◆ Baptist General Conference
- ◆ Baptist General Convention of Texas
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- ◆ Seventh Day Baptist General Conference

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James M. Sapp

October 28, 1915 – December 20, 2000

"Jim Sapp was to many 'the encourager.' With his gift for working with people, Jim encouraged all to reach beyond themselves to improve. Creativity thrives on encouragement, freedom, high standards of excellence, expectations and an esprit de corps. Jim's leadership, often expressed in subtle ways, encouraged all these."

These opening lines written about Jim Sapp by his family were printed in the newspaper obituary column and in the order of worship as we celebrated his life and mourned his passing just a few weeks ago. As a member of Highland Park Baptist Church in Austin, Texas, I was fortunate to know Mr. Sapp for the past six years and to feel his encouragement in my life.

People often ask me how I came to work at the Baptist Joint Committee. After all, I do not come from a family involved in professional ministry, and I did not attend a Baptist-affiliated university. When asked, "Why BJC?" I answer, "Jim Sapp." Over four years ago, Mr. Sapp took time while visiting Washington for the 60th anniversary of BJC to introduce a college freshman to the organization and, in doing so, to pass the torch for another member of Highland Park to serve on staff. I often tell people that he changed the course of my life with that brief meeting in October 1996. Since then, he always remained interested and involved in my professional and personal development in Washington, D.C.

My experience, though profound, is not unique. Rosemary Bevard, my predecessor a few times removed, uses the very same language I use: He changed my life. When he hired her at BJC as a 27-year-old, neither of them could have guessed that she would remain on staff for 25 years.

A native of Tulsa, Okla., Mr. Sapp's rich career included 14 years of service in Baptist churches across the country. He also served the Baptist Brotherhood Commission from 1952 to 1964 and the Home Mission Board from 1972 to 1978.

The Baptist Joint Committee was blessed by Jim's presence from 1964 to 1971. Over that



Rosemary Bevard and Jim Sapp, 1996

period, he served as director of correlation services, which sought to involve state organizations in the work of the BJC. He organized state groups in Kansas, Illinois and Florida. He also served as editor of this publication during his tenure and as director of the BJC's Religious Liberty Conferences from 1957 to 1972.

Mr. Sapp's gifts have continued to bless the BJC since his departure from the staff. One legacy of his vision is the Religious Liberty Council, the individual membership arm of the BJC, which involves persons in religious liberty matters in their states. As the RLC continues to grow in number and in influence, his vision is perpetually realized. It is in this way that Jim Sapp was "the encourager" for so many, those he met and changed personally and those that continue to grow and benefit from his lasting legacy.

— Mandy Tyler
Assistant to the General Counsel



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