



REPORT FROM THE CAPITAL

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NewsMakers

◆ President Bill Clinton issued a proclamation declaring Jan. 16 as Religious Freedom Day. The proclamation stated that religious freedom "is not a right we enjoy solely by virtue of being Americans; it is a fundamental human right that should be honored in every nation around the globe." The date marks the anniversary of the 1786 Virginia religious-freedom statutes that became the model for the First Amendment.

◆ Utah Gov. Mike Leavitt filed suit in federal court Jan. 10 to challenge the failure to include more than 14,000 Mormon missionaries working overseas in the nation's 2000 census count, possibly costing the state a House seat. The U.S. Census Bureau counts diplomats, military personnel and other federal employees and dependents living overseas temporarily, but does not include missionaries. Utah was 856 residents short of gaining another congressional seat.

◆ Sen. Jesse Helms, R-N.C., chairman of the Senate Foreign Relations Committee, says he wants all U.S. foreign aid channeled through private charities and religious groups. In a speech at the American Enterprise Institute, Helms said the time has come to "empower private and faith-based groups who care most about these issues." Δ

Religious leaders split on attorney general nomination

The nomination of former Sen. John Ashcroft as attorney general has drawn both praise and concern from religious leaders.

Representatives of several faith groups said at a Jan. 15 press conference that senators should question Ashcroft about his commitment to upholding the separation of church and state.

Brent Walker, executive director of the Baptist Joint Committee, told reporters the BJC does not support or oppose candidates or nominees for public office.

But he said it is important that the attorney general "be committed without apology and without reservation to the separation of church and state. Sen. Ashcroft's record reveals a hostility to and a lack of understanding of that cherished principle."

"If he fails to protect the religious liberty of any American," Walker added, "the religious liberty of every American will be threatened."

Welton Gaddy, executive director of the Interfaith Alliance, which sponsored the press conference, called Ashcroft — a devout Pentecostal Christian — "a man of deep and abiding faith." Gaddy said he respected Ashcroft's faith commitment, but had "grave concern," about Ashcroft's ability as attorney general to uphold and fully enforce the constitutional rights of "faith groups that he clearly judges to be wrong and in need of correction."

Other groups, including the Southern Baptist Ethics and Religious Liberty Commission, have announced support for Ashcroft.

"On behalf of the vast majority of over 16 million Southern Baptists nationwide, I urge you to support the confirmation of Sen. John Ashcroft," ERLC President Richard Land said in a letter to all 100 members of the U.S. Senate.

Land's claim to speak for a "vast majority" of Southern Baptists drew criticism from Phil Strickland, director of Texas Baptists' Christian Life Commission and a member of the Baptist Joint Committee board. "It seems incredible to me that anyone would claim to represent a majority of 16 million Baptists on any issue, much less the appointment of John Ashcroft as U.S. attorney general," he said.

"Count me out of those whom he claims to represent," Strickland said. "My enthusiasm for Sen. Ashcroft as attorney general is greatly diminished by his support for radical cuts in welfare assistance to needy people, his consistent opposition to church-state separation, and his obvious embrace of the political religious right.

"Those are my concerns, but they are only my concerns. For anyone to claim to speak for all Baptists — or even for the vast majority of Baptists when it comes to endorsements of individuals — is out of bounds." Δ



Brent Walker discusses Sen. Ashcroft's church-state views at a press conference.

Foes of Mormon temple site lose bid for appeal to Supreme Court

The U.S. Supreme Court refused Jan. 8 to hear the appeal of opponents of the recent construction of a Mormon temple near Boston.

Left untouched was a ruling by the 1st U.S. Circuit Court of Appeals that upheld a 1950 Massachusetts law that says zoning ordinances cannot ban the construction of buildings for religious use but may set requirements on size, height, parking and open space on a lot.

The law was challenged in 1998 after a Mormon church started construction of a 69,000-square-foot structure in Belmont, a suburb of Boston. Opponents said the law violated the Establishment Clause of the U.S. Constitution.

But a federal judge said the law does not create favoritism toward religion. Instead, it represents "a secular judgment that religious institutions ... are compatible with every other type of land use and thus will not detract from the quality of life in any neighborhood."

Still pending is a separate lawsuit over the height of the temple's planned 139-foot steeple.

Filing a friend-of-the-court brief with the 1st Circuit in support of the Mormon construction were some religious organizations, including American Baptist Churches of Massachusetts; American Baptist Churches in the U.S.A.; Baptist General Conference; and the Baptist Joint Committee. Δ



Russell and Marjorie Tuck

Tucks begin term as BJC spring scholars-in-residence

Russell and Marjorie Tuck of Riverside, Calif., a husband and wife team with nearly 40 years of combined education experience, are serving as spring scholars-in-residence at the Baptist Joint Committee.

BJC Executive Director Brent Walker said the Tucks "bring a wealth of practical experience as public school educators and an appreciation of the need to protect the religious freedom of students while keeping school officials from promoting religion."

Russell Tuck is on leave from Azusa Pacific University, where he is a professor in the doctoral program of educational leadership in both public school and university administration. Tuck, who earned a Ph.D. from Peabody College of Vanderbilt University, is the president emeritus of California Baptist College and was a school administrator in suburban St. Louis for 24 years.

Marjorie Tuck earned a master's degree in history from Peabody College of Vanderbilt University and taught history and political science to middle school and high school students.

Russell Tuck will begin drafting a job description for a future BJC executive-level position dealing specifically with education. The couple will also be involved in advocacy and writing projects.

Both have begun attending coalition meetings on Capitol Hill dealing with education issues.

"Our main contribution will be where faith and government interact at the point of education," Russell Tuck said. Δ

Church to gain storefront use, thanks to new federal law

A Michigan church has won the right to use a storefront location in a business district after it sued under a new federal law dealing with religious land use.

The Washington-based Becket Fund for Religious Liberty announced Dec. 29 that a district judge had approved a consent agreement between Haven Shores Community Church and the city of Grand Haven, Mich. The city acknowledged in the agreement that the Religious Land Use and Institutionalized Persons Act, signed into law Sept. 22, applied to the case.

"The defendants further acknowledged that a decision under the City of Grand Haven Zoning Ordinance, as it is currently written, that prohibited a church or other religious use in the B-1 Zoning District would not survive review under the Religious Land Use and Institutionalized Persons Act of 2000, assuming its validity," the agreement states.

Kevin J. Hasson, president of the Becket Fund, which represented the church, hailed the settlement of the case, which he called the "first successful lawsuit" under the new federal law. Δ

Huett joins staff of BJC as communications associate

Jeff Huett, a native of Alabama and a journalism graduate of Baylor University in Waco, Texas, has been named associate director of communications at the Baptist Joint Committee.

Huett, who served as a fall semester intern at the BJC, joined the staff of the religious liberty agency Jan. 16.

Huett served as editor in chief of *The Baylor Lariat*, the university's 7,500 circulation newspaper. Previously, he completed internships with Associated Baptist Press in Jacksonville, Fla., and on the communications staff at Buckner Baptist Benevolences in Dallas, Texas.

Huett, named "Outstanding Senior Journalism Graduate" at Baylor, succeeds Kenny Byrd, who left the BJC staff in April 2000 to become the first Washington bureau chief of Associated Baptist Press.

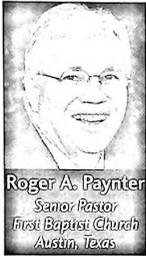
In addition to serving as associate editor of *Report from the Capital*, Huett will handle staff liaison responsibilities for the Religious Liberty Council, the individual membership arm of the BJC.

"Jeff's outstanding record as a student journalist at Baylor and as a BJC intern indicate that he will be a tremendous asset to our communications efforts," said Larry Chesser, BJC communications director. Δ



Jeff Huett

Threats to the wall of separation call for prophetic word of protest



Roger A. Paynter
Senior Pastor
First Baptist Church
Austin, Texas

On December 20, just days following the U. S. Supreme Court decision to stop the Florida vote count, then-President-elect George W. Bush convened a meeting at the First Baptist Church of Austin. Twenty-eight members of the clergy

from around the nation were invited to discuss with the president-elect the role of faith-based programs in his administration. In attendance were leaders such as Bishop Joseph Fiorenza, president of the National Conference of Catholic Bishops; Murray Friedman, regional director of the American Jewish Committee in Philadelphia; Ron Sider, Jim Wallis, and John Perkins of *Call to Renewal*; and Eugene Rivers of the Boston *Ten-Point Coalition*. Other prominent clergy were there, but two other key people in attendance were Marvin Olasky, the University of Texas professor who coined the phrase "compassionate conservatism," which also serves as the title of his new book; and Stephen Goldsmith, former mayor of Indianapolis and a possible choice to head the first "Office of Faith-Based Action."

The president-elect met with this group for an hour and 15 minutes, thus underscoring his strong commitment to "faith-based" social solutions.

Mr. Bush began the meeting by recounting his personal faith journey, asserting his strong conviction that faith communities did a better job of delivering social services than government agencies. He assured us that his administration would do all it could to empower faith communities to heal the divisions in the American soul. Acknowledging that not all had voted for him, he asked for responses to his statement and sought guidance on how to articulate his faith vision.

At one point, Dr. Friedman and I raised the possibility of faith-based, government-funded programs doing great danger to the historic separation of church and state. Mr. Bush quickly brushed aside our concerns, stating that he did not see

this as any kind of threat to church-state issues. "This is about a partnership between government and people of faith for the good of the society," he added. The conversation moved on to other topics related to the ministries of the various clergy in attendance.

Writing this on Inauguration Day, one month after the meeting, I make the following observations about the meeting:

- ◆ I was impressed with the president's desire to listen and learn, and I was taken with the seriousness of his faith. It is an evangelical, relatively young faith with a growing commitment to social concerns balancing the tendency toward individualistic piety;

- ◆ I was pleased that his faith seems to be actively inclusive of all faith traditions;

- ◆ I was disturbed by the obvious influence of Marvin Olasky, who is also editor of the religious right newsmagazine, *World*;

- ◆ I was uncomfortable with how little concern was demonstrated by other religious leaders over church-state issues. I was particularly disappointed in Jim Wallis and Ron Sider, who seemed to believe that one had to choose between concern for the poor and constitutional principles surrounding religious liberty;

- ◆ I was slightly encouraged that if we are going to have an "Office of Faith-Based Action," the first director is likely to be Stephen Goldsmith, a man of strong Jewish faith. Perhaps he will blunt some influence of the religious right;

- ◆ I was pleased by the number of African-American clergy present, but aware that many of them actively criticized Jesse Jackson over his protests of the Florida voting issues. I think we will see an increasing number of successful, urban African-American pastors visible in this White House and perhaps in the Republican Party in general.

Mr. Bush is now our president. He is a man of faith. He is a person who wants his faith to "make a difference" in how he goes about his presidency. He deserves our support and prayers for that commitment. However, if the new commitment to "faith-based initiatives" threatens the wall of separation, then it will be our responsibility as Baptist Christians to speak a prophetic word of protest. Δ

Study links judge's religion with religious liberty rulings

A judge's own religion may influence how he or she rules in cases involving religious liberty, and the amount of that influence varies by denomination, according to new research by Barbara Yarnold of Florida International University.

Federal appeals court judges who are Baptist or Catholic, she finds, are more likely than other judges to take "pro-religion" positions in cases involving the First Amendment to the U.S. Constitution.

Yarnold's findings are reported in the September 2000 issue of the *Review of Religious Research*. Her study analyzed 1,356 federal appeals court decisions between 1970 and 1990 in cases dealing specifically with either the First Amendment's Free-Exercise or Establishment clause. She compared religious affiliation of judges with the outcomes of these cases.

Rulings that favored religious activity or expression were coded as "pro-religion," while cases that disallowed religious activity or expression were coded as "anti-religion."

"Baptist and Catholic judges were more likely to render decisions that were pro-religion in cases involving religious liberties than were other judges," Yarnold explained.

Judges of all faiths were inclined toward a pro-religion position, Yarnold said, but only the Baptist and Catholic judges stood out with strong statistical significance. Δ

