

REPORT FROM THE CAPITAL



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NewsMakers

◆ **David Courtade** of Fort Worth, Texas, and **Brad Heifner** of Nashville, Tenn., are serving spring semester internships at the Baptist Joint Committee. Courtade recently graduated with a degree in political science from Baylor University in Waco, Texas. Heifner is a 1996 graduate of Samford University in Birmingham, Ala., with a degree in public relations and journalism.

◆ **Derek Davis**, director of the J.M. Dawson Institute of Church-State Studies and special counsel for the Baptist Joint Committee, said President Bush's new plan to partner the government with faith-based organizations is the "right motive, wrong method." Davis, concerned that the public has not considered the consequences of the initiative, said it "could result in religion eventually just being thought of by the American people as another government program."

◆ **Alabama Chief Justice Roy Moore**, who became known as the state's "Ten Commandments judge" after hanging a plaque of the biblical laws in his circuit courtroom, decided to display them in his office rather than the Supreme Court chamber. He fought in federal and state court to keep the plaque in his Gadsden, Ala., courtroom, where he was a circuit judge until he won the race for chief justice. Δ

Bush unveils faith-based plan; critics raise church-state issues

Pledging to "accept rather than dismiss" faith-based social programs, President George W. Bush unveiled a sweeping faith-based initiative that would dramatically alter America's church-state relations.

The proposal, outlined in a 17-page document titled "Rallying the Armies of Compassion," would expand "charitable choice" to all federal social spending and thus making pervasively religious organizations eligible to compete for billions of tax dollars.

It also would extend the federal charitable tax deduction to the 80 million taxpayers who do not itemize when filing taxes.

Bush said the administration would "encourage faith-based and community programs without changing their mission. We will help all in their work to change hearts while keeping a commitment to pluralism."

While legislation will have to be approved by Congress before the initiative could take effect, Bush signed two orders to get the process rolling. In one order, he established the White House Office of Faith-Based and Community Initiatives to be headed by former University of Pennsylvania professor John DiIulio. The office will report directly to Bush and will seek to remove barriers facing religious groups who want tax dollars.

The second order will establish centers in the departments of Justice, Health and Human Services, Housing and Urban Development, Labor and Education to enhance cooperation between the gov-

ernment and the private sector.

Civil and religious liberties groups quickly raised church-state concerns about the proposals.

At a Washington, D.C., press conference, the Rev. Wanda Henry, Baptist Joint Committee administrator, advised religious leaders: "Say 'no thank you' to

government funds for your religious ministries. You are doing just fine without the heavy hand of government on your back."

Henry pointed to the words of slain civil rights leader Martin Luther King Jr., who preached that the church is not the master of the state, nor the servant of the state, but the conscience of the state. Henry added, "Charitable choice threatens to make religion the servant of the state, rather than its conscience."

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, said the flow of tax dollars to religious institutions will force tough decisions.

"Do we require such organizations to alter their practices and beliefs, or do we fund religious discrimination?" Saperstein asked. "Which part of the wall separating church and state do you wish to dismantle, President Bush? That part that prevents our taxes from being used to discriminate against people of faith? Or the part that bars government from foisting employment decisions upon religious institutions?"

"There is nothing remotely charitable about such painful choices," he added. Δ



Henry urges churches to say 'no' to charitable choice.

Study: Most church groups already involved in charity work

A majority of the 353,000 religious congregations in the United States do more than tend to religious needs. They provide aid on a broad range of social services and charitable work, according to "America's Religious Congregations," a 12-page report from Independent Sector.

Those service programs focused most frequently on human services, 92 percent; health, 90 percent; and international programs, 74 percent. In 90 percent of congregations, most of these services were done by volunteers, the report said.

Congregations said they believed their emphasis on spirituality differentiated their social service programs from those offered by the government and other non-religious organizations.

"We provide the program or activity with a spiritual dimension, i.e. parenting classes through the eyes of faith," one congregation told surveyors.

Nineteen percent of congregations said they considered a client's faith or religious affiliation when making decisions about who could participate in the programs. Of the more than 72 percent of congregations who had a formal ethical or moral statement, a majority said those beliefs guided their selection of programs and clients. Δ

Bush unveils education plan; vouchers draw mixed reviews

President Bush unveiled an education reform plan Jan. 23 featuring school funding options that could include vouchers, prompting mixed reaction from church-state observers.

In his remarks, the president did not use the word "vouchers," but spoke of the need for options for children who are in "dangerous or failing schools."

"When schools do not teach and will not change, parents and students must have other meaningful options," he said. "There are differences of opinions about what those options should be. I made my opinion clear in the course of the campaign. I'm going to take my opinion to the Hill and let folks debate it."

Public debate already has begun over whether public funding of private — and sometimes parochial — schools should occur as a result of Bush's plan. The plan currently calls for students at schools that have been shown to be failing for three years to get federal funding to attend a private school or another public school.

Sandra Feldman, president of the American Federation of Teachers, said her organization will oppose vouchers.

"AFT supports proven programs that set high standards, demand accountability and provide our children and teachers with the resources they need," she said in a statement. "Vouchers do not provide those necessary resources and do not serve to strengthen the public schools, which educate 90 percent of our children."

Ellen Johnson, president of the American Atheists, said the voucher plan is focused more on promoting religion-based schools than improving education. "If voucher supporters really believed in fairness and equal standards, they would not be asking for government help for religious schools, which 'pick and choose' which students to admit and can discriminate when it comes to hiring."

Some news reports quote Bush advisers saying that the president had decided to make some changes to the voucher plan to win over more lawmakers. He also told Democrats he did not want to keep vouchers in the proposal if it would undermine the measure's passage.

The voucher plan would give \$1,500 vouchers to the parents of students in public schools that are deemed failures three years in a row.

Baptist Joint Committee Executive Director Brent Walker said the public "will

not be deceived by the false promises of voucher supporters. Virtually every time vouchers have come to a vote, most recently in California and Michigan, the voters have resoundingly rejected them." Δ

Mormon temple steeple case before Massachusetts court

A controversial proposed steeple for a new Mormon temple has drawn the high court of Massachusetts into a case that could have national repercussions for local zoning and religious architecture.

The Church of Jesus Christ of Latter-Day Saints told the Supreme Judicial Court of Massachusetts earlier this month that it has a right to put a 139-foot steeple atop its 72,000-square-foot temple in Belmont.

Angry neighbors countered that the steeple would be unnecessary for the church and, in fact, illegal because it provides no benefit for the town that granted it an exemption from zoning codes.

If the church should lose, it will appeal the case to federal court and seek a decision with national significance, according to lawyer Paul Killeen. At stake, he says, is the principle that "government ought to keep its nose out of religious planning."

"Courts don't tell churches what is necessary or not to the practice of religion. On that, they must defer" to religious bodies, Killeen said. Steeples are "part and parcel to religious architecture," he said, and don't have to benefit the town to receive a special permit.

Neighbors interpret the law differently, saying a zoning board may grant exemptions only when the town at large stands to benefit or when local restrictions would "impair use" of a church or school.

"It's not cramping the uses of the temple in any way whatsoever," said Arthur Kreiger, the neighbors' lawyer. Because the temple is already dedicated and operational, he said, it clearly needs no steeple to serve its purpose.

"This is a big institution running roughshod over local zoning bylaws," Kreiger said.

A local zoning board authorized an exemption for the steeple in 1997, but a superior court judge derailed construction plans in 1999 with a trial ruling that called the steeple unnecessary and unbeneficial for the town. The church has now appealed to the state supreme court.

A separate challenge ended this month when the U.S. Supreme Court refused to hear arguments from neighbors who tried to block construction of the temple itself. Δ

Buyer's remorse likely for those who embrace 'charitable choice'



J. Brent Walker
Executive Director

President Bush is trying to do right, and all of us should applaud his recognition of religion's vital and helpful role in society. His goal of tax relief tied to charitable deductions by nonitemizers deserves our support.

But when it comes to his call for "charitable choice," we should say "No!" His newly announced Office of Faith-Based and Community Initiatives — a "religion czar" in America? — will facilitate dumping billions of dollars on churches and other pervasively religious ministries. This proposal will make religious programs less effective, knock holes in the wall separating church and state and make prophetic religion beholden to government control.

So, the problem with charitable choice is not the ends but the means. We oppose charitable choice not because we want to discourage the delivery of faith-based social services. We oppose it precisely because we want to keep those faith-based services vital and free.

Charitable choice threatens to:

- ◆ promote religion in ways that breach the wall of separation between church and state. It is a classic violation of the First Amendment's Establishment Clause for government to funnel tax dollars to pervasively religious organizations, even for an ostensibly secular purpose.
- ◆ result in excessive entanglement between church and state. It's an iron law of politics that what government funds government regulates through compliance reviews, audits and the subordination of religious principles to government policies.
- ◆ dampen religion's prophetic voice in society. When religion takes government's funds, it becomes dependent and beholden. How can religion raise a prophet's fist against government with its other hand open for a

handout?

- ◆ endorse discrimination in employment on the basis of religion. Religious bodies ordinarily are allowed to hire co-religionists, but it is wrong to finance a program with taxpayer dollars and then say only members of the favored religion need apply.
- ◆ encourage unhealthy rivalry among religious groups for a share of a limited pot of dollars. America has enjoyed religious harmony — despite its religious pluralism — in part because government has generally left religion alone. What better way to foster religious strife than for government to pick and choose which religion receives government money?

There are better ways to do right:

- ◆ Spin off separate nonprofits to deliver the government money and perform the services with religious motivation to be sure, but without proselytizing, discrimination or teaching religion.
- ◆ Encourage increased private giving by passing legislation expanding deductibility rules for charitable contributions. People should not be taxed on money they voluntarily give away to help others.
- ◆ Foster careful cooperation between religion and the government in creative ways (e.g. share information, make referrals, etc.) that do not involve taxpayer money. There is nothing wrong with religion and government pulling in the same direction.

Pursuing these better ways makes for a win-win situation. Social services are delivered by religious organizations, the autonomy of houses of worship is ensured, and the constitutional values that protect religious liberty are preserved.

We all want to do right — in the right way. Δ

High court sets hearing on use of school facilities

The U.S. Supreme Court will hear oral arguments Feb. 28 on a lower court ruling against a Christian youth organization's right to use public school facilities.

The case — *Good News Club vs. Milford Central School* — has spotlighted the differing ways of interpreting the First Amendment's religion clauses.

While non-religious groups, such as the Boy Scouts and 4-H Club, were allowed to use school facilities after hours, the U.S. 2nd Circuit Court of Appeals said a New York school district's policy could deny access to the Good News Club.

The Milford Central School District has since 1992 had a policy allowing district residents to use school facilities for holding school, civic and recreational meetings but not for "religious purposes."

The Good News Club — affiliated with a Christian missionary organization known as Child Evangelism Fellowship — applied in 1996 to use the school's facilities to have "a fun time of singing songs, hearing [a] Bible lesson and memorizing Scripture."

A number of religious organizations, including the Baptist Joint Committee, have filed friend-of-the-court briefs at the Supreme Court supporting the Good News Club's bid for access. Δ

Baptist Joint Committee

Supporting Bodies

- ◆ Alliance of Baptists
- ◆ American Baptist Churches in the U.S.A.
- ◆ Baptist General Association of Virginia
- ◆ Baptist General Conference
- ◆ Baptist General Convention of Texas
- ◆ Baptist State Convention of North Carolina
- ◆ 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

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Panel discusses implications of faith-based initiatives

Heated debate consumed a discussion about President George W. Bush's plan to increase the ability of faith-based groups to get tax dollars as a panel of lawmakers, religious leaders and the head of a new White House office discussed the broad implications of "charitable choice."

The panel, sponsored by The Pew Forum on Religion & Public Life, was the first in a series on the new White House proposals.

Rep. Bobby Scott, D-Va, a critic of the Bush plan, said charitable choice could "turn back the clock to when you could discriminate against people based on their religion." Scott was

referring to language in the plan that he said would open the door for faith-based groups receiving federal funds to discriminate in hiring based on religious beliefs.

Houses of worship have long been exempt from certain civil rights laws, enabling them to hire only people who share their religious views. Charitable choice would allow federal dollars to flow to groups that could then discriminate in hiring employees based on religion.

Scott also expressed concerns about the government's role in deciding which groups receive taxpayer funds, which he says could violate the Establishment Clause of the U.S. Constitution. "We've asked specific questions and have gotten vague answers," he said.

But John Dilulio, the University of

Pennsylvania professor named by Bush to head the new White House Office of Faith-Based and Community Initiatives, warned against stumbling over philosophical disagreements and called for "a degree of trust" in the discussion.

"Let's look at how we can get things done together," he said. "Let's have that fight, but let's keep looking for how we can come together to do the things we all agree ought to be done and not leave anyone out who wants the help."

Jim Wallis, editor of *Sojourners* magazine, suggested that the focus of the debate be on the people served, not just on the First Amendment. "I want to plead that the church-state arguments not be the only issue here or the heart of the

issue — that we try to keep our eyes on the prize, which are those neighborhoods, those families and those kids," he said.

This comment drew a response from Rep. Chet Edwards, D-Texas, who questioned Wallis' characterization of the First Amendment as a secondary issue.

"America's gift of religious freedom is one of the most wonderful gifts our democracy has given to the world, and we should tinker with that principle with great trepidation," said Edwards, who attended, but was not on the panel.

Richard Foltin, legislative director and counsel of the American Jewish Committee, warned that some faith-based groups providing social services with tax dollars will not be able to separate their religious mission from the services they provide. Δ



E.J. Dionne (center) moderates discussion between John Dilulio (left) and Rep. Bobby Scott, D-Va.



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