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# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **John DiIulio**, head of the White House Office of Faith-Based and Community Initiatives, said social programs that seek to evangelize their clients will not qualify for direct federal grants. "The indivisibly conversion-centered program that cannot separate out and privately fund its inherently religious activities can still receive government support, but only via vouchers," he told the March 7 annual meeting of the National Association of Evangelicals.

◆ **Elliott Abrams**, chairman of the U.S. Commission on International Religious Freedom, recently urged Secretary of State **Colin Powell** to support resolutions at an upcoming United Nations commission meeting that condemn countries for violations of religious freedom. Abrams said the United States should take the lead in condemning governments who abuse religious freedom rights.

◆ The Rev. **Jerry Falwell** said in a Beliefnet.com interview that Muslims should be ineligible to receive government funds for social programs. Muslims "should be out the door before they knock" and ask for federal funds, Falwell said. The Council on American-Islamic Relations has demanded an apology, calling Falwell's remarks "symptomatic of the very intolerance that you claim Islam promotes." Δ

## BJC, Interfaith Alliance release education guide for churches

Helping churches and other religious organizations decide whether and how they should use tax money to provide social services is the goal of a new publication jointly produced by the Baptist Joint Committee on Public Affairs and The Interfaith Alliance Foundation.

The religious organizations released the publication — *Keeping the Faith: The Promise of Cooperation, the Perils of Government Funding: A Guide for Houses of Worship* — at a March 13 press conference.

"We believe religion will be harmed, not helped, by plans to provide tax funding of pervasively religious organizations," said Brent Walker, BJC executive director, in a prepared statement.

"How can a church raise its prophetic fist to criticize the state when its other hand is open for a government hand-out?" he asked. "How can a synagogue remain independent from government control when its hands are tied by government rules and regulations?"

At the same time, Walker said, appropriate ways exist for religion and government to work together to meet social needs without using tax funds for programs run by pervasively religious organizations.

The guide also details how houses of worship can set up a separate religiously affiliated organization to accept government funds to provide social services.

"What a tragedy it would be if a house of worship accepted government's money to help the needy and lost its soul

in the process," Walker said. "We hope and pray *Keeping the Faith* will help prevent that tragedy from occurring."

Welton Gaddy, executive director of The Interfaith Alliance Foundation, emphasized the importance of education on the issue.

"Despite the spin and media attention devoted to 'charitable choice' legislation, there remains a serious lack of substantive information and thus meaningful debate on this issue within houses of worship in this country," he said.

Gaddy said he hopes *Keeping the Faith* brings about an understanding of "charitable choice" legislation that will "empower" religious leaders to make effective

decisions about whether or not to seek government support.

Justus Reeves, executive director of development for the Progressive National Baptist Convention, told reporters that his convention will circulate the guide among churches to ensure they do not agree to any project "that would undermine the prophetic voice of the church."

"The African American church has been a bedrock of social services within our community, and we will continue to do so," Reeves said. "We have done this without government involvement or interference, and we believe in the principle of separation of church and state."

Reeves said *Keeping the Faith* presents "an opportunity to seek better ways to carry out our program and answer our questions related to the essence of our work." Δ



Brent Walker and Justus Reeves discuss *Keeping the Faith* guide.

## Voucher backers in Cleveland turn to high court

Objecting to an appellate court's decision not to consider their case, advocates of a school voucher program in Cleveland said they will ask the U.S. Supreme Court to consider whether the program is constitutional.

Members of the Washington-based Institute for Justice said they plan to file their request with the Supreme Court within the next 90 days, The Associated Press reported.

Their request stems from the Feb. 28 refusal by the 6th U.S. Circuit Court of Appeals to review a three-judge panel's ruling that Cleveland's voucher program improperly used public tax funds to educate children at religious schools.

The voucher program provides up to \$2,500 in tuition vouchers to needy students in kindergarten through sixth grade.

Critics such as the Ohio Federation of Teachers and Americans United for Separation of Church and State insist public funds should not have been used for the vouchers, but the program's supporters said the vouchers offer low-income parents an alternative to public schools.

The Institute intends to remind the Supreme Court that before the circuit court's decision last December, the voucher program had been deemed constitutionally acceptable by the Ohio Supreme Court, a state lawyer for the Institute said. Δ

## 'Charitable choice' hits snag after religious right criticism

Momentum may be slowing for President George W. Bush's sweeping plan to expand "charitable choice" as members of the religious right joined other critics of the effort to fund faith-based entities.

Sen. Rick Santorum, R-Pa., a key backer of the plan, told *The Washington Post* that the Senate will break the faith-based initiative into two pieces, with the more controversial "charitable choice" funding mechanism being delayed for as long as a year.

Expected to move faster are a charitable tax deduction for non-itemizers and other portions of the Bush plan that enjoy bipartisan backing.

The Bush plan recently came under attack from unexpected sources. Pat Robertson voiced disapproval of funding groups such as the Church of Scientology and the Nation of Islam.

Also, Richard Land, president of the Southern Baptist Ethics and Religious Liberty Commission, wrote a column renewing his skepticism of sending money directly to houses of worship instead of sending money to the social service beneficiary in the form of a voucher.

Other organizations have been raising church-state concerns about "charitable choice" since it was first enacted as part of the 1996 welfare reform law.

"I hate to say I told you so, but I told you so," said Brent Walker, executive director of the Baptist Joint Committee. "The BJC has been raising many of the concerns that some on the right are only recently discovering."

Walker said, "Conservatives of all people ought to understand the harmful effect of government regulation on religion. We've said all along that government can't pick bad guys and good guys in matters of religion." He added, "Pat Robertson's concerns that these funds might go to less popular groups highlights the divisiveness brought about by picking and choosing who gets funding."

At a recent press conference to release a guide produced by the BJC and The Interfaith Alliance Foundation on partnerships between religion and government, speakers addressed the religious right's criticism of Bush's plan.

Welton Gaddy, executive director of the Interfaith Alliance, told reporters, "I find it interesting and disturbing that religious organizations with a long history of interest in responsible government-religious interaction have been talking for several

weeks — indeed months — about problems related to this initiative, and we have virtually been unheard."

In contrast, he said, complaints from the religious right drew quick response. "That disturbs me. It raises questions in my mind about the influence of the religious right in and on the current administration." Δ

## Watts pushes 'charitable choice,' criticizes religious groups

House Republican Conference Chairman J.C. Watts of Oklahoma was expected to introduce legislation March 21 to enact both the tax and "charitable choice" parts of President Bush's faith-based initiative.

However, Watts lashed out at conservative and other religious leaders who he said are "throwing rocks" at the plan.

Watts said a lot of problems that the country has experienced over the past 40 years could have been circumvented "had the faith community not abdicated their responsibility, and if they would have been involved the way their faith dictated that they should have been involved, i.e. racial issues."

Watts discussed questions that have been raised about "charitable choice," including whether tax-funded programs may be involved in proselytizing.

"I would be highly concerned if we were funding an organization that says we're going to try to make people Baptists. ... That is a blatant violation of separation of church and state," said Watts.

"I'm not looking to fund a church's faith or their religious activity," he said. "I don't know of any church that runs a faith-based operation through their church, out of their church," he added.

Houses of worship have long been able to set up separate nonprofit groups that can receive tax money to perform social services but cannot proselytize or discriminate in hiring with the money. "Charitable choice" allows a house of worship to receive the funds directly without such requirements against hiring only those who share its faith.

But when asked about churches who would want to take the funds and hire only people of like-minded faith, Watts turned to his own hiring practices. "You know people who come into my office and ask to work for me," Watts said, "I don't ask them what their denomination is." He added, "I don't think you can go into these situations assuming that the person doing the hiring is going to be a racist. ... That dog just doesn't hunt with me." Δ

# Religious right joins opposition to 'charitable choice' proposals



K. Hollyn Hoffman  
General Counsel

The past few weeks have been nothing short of incredible. Suddenly, an issue of longstanding concern to the Baptist Joint Committee — government funding of religion — is front-page news. As the new general counsel

of the BJC, I am thankful for the opportunity to debate the merits of "charitable choice" while standing on this organization's 65-year foundation of protecting religious liberty.

Ten years ago, when I worked as an intern and legal assistant for the BJC, the term "charitable choice" had not yet been coined. In 1996, then-Sen. John Ashcroft of Missouri first introduced so-called "charitable choice" as part of welfare reform legislation. "Charitable choice" was a small portion of a sweeping bill, added in the 11th hour. Despite the drastic change in law that it purported to institute, "charitable choice" received little attention in the media. Perhaps the lack of attention was due to the way the provision became law: hurriedly, with only two minutes of "debate," or because the provision's name bears little resemblance to its purpose: it redirects public tax funds, with no relation to private charitable giving.

By announcing a "faith-based" initiative as one of his top priorities, President Bush moved the issue to center stage. In the weeks since he opened his Office of Faith-Based and Community Initiatives and issued an executive order outlining plans to extend "charitable choice" broadly, the debate about government funding of religion is finally getting the attention it deserves.

Subsequently, the critics of government funding of religion have also received attention. Unfortunately, however, the coverage of arguments against "charitable choice" has often been distorted, unbalanced, or oversimplified. The media repeatedly describe the Bush administration's proposal as receiving some expected criticism from the "secular left" and,

perhaps less expected, from the "religious right." The frequency with which any criticism is described as coming from these two polar camps underscores the continuing notion that when it comes to the national media, the "religious right" is the primary (and sometimes the only) religious voice that gets heard.

Part of the focus on the "religious right" is justified. Jerry Falwell and Pat Robertson are expected to support their president, and dissension among such core supporters is newsworthy.

Still, the focus on criticism as coming from the "religious right" is a matter of concern because it misrepresents the reality of religious views on the issue. Many people of faith from across the political and ideological spectrums are, and should be, concerned about the way "charitable choice" initiatives change the law and affect religious liberty.

Now, as the Bush administration is reported to be proceeding more cautiously, is the time for all people of faith to speak out and voice their concerns about the effect of government funding of religion. Everyone who cares about religious liberty, including those for whom the labels of "secular left" or "religious right" do not fit, should participate.

As our recently released publication *Keeping the Faith* demonstrates, there is no need to fear that opposition to "charitable choice" means opposition to all forms of cooperation between government and religious organizations that provide valuable social services. The BJC's extensive efforts in the past five years to promote a helpful understanding of the problems with "charitable choice" on the one hand, and various non-controversial proposals for government cooperation with religion on the other hand, place it in a unique position to expand the range of religious voices that are heard and add valuable content to the debate. It is time for *your* voice to be heard, as well. Δ

## Justices refuse to review ban of religious speech

Declining to intervene in the gray area between free speech rights and the Constitution's ban on establishment of religion, the U.S. Supreme Court has turned down the appeal of a high school student barred from giving a graduation speech deemed too religious by a California school district.

Left standing by the high court March 5 was a ruling by the 9th U.S. Circuit Court of Appeals that actions by officials from the Oroville Union High School District "were reasonably taken" to avoid excessive church-state entanglement.

The case involved a 1998 speech submitted in advance by a co-valedictorian that urged fellow students to accept Christ as Savior. School officials said the speech, as well as a prayer submitted in Jesus' name by a fellow student, was too sectarian for a public school graduation. Both students refused to tone down the religious content of their messages, and the district prohibited them from being delivered.

Barred from delivering the messages, co-valedictorian Chris Niemeyer and Ferrin Cole, the student elected to lead the graduation prayer, filed suit in district court.

Citing the U.S. Supreme Court's 2000 ruling against organized school-sponsored prayer at public school football games, the appellate court ruled in favor of the school district. "We conclude the district officials did not violate the students' freedom of speech," the court said. Δ

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### 'Charitable choice:' The one who pays piper, calls tune

The new initiative by the Bush administration to shift tax dollars to religious organizations raises some serious questions about one of the underlying principles of Baptist polity, the separation of church and state.

The creation of an Office of Faith-Based and Community Initiatives in the White House not only challenges the fundamental principles of religious freedom but is an affront to the First Amendment to the U.S. Constitution. This initiative can only be seen as another effort to muffle the prophetic voice of the African American church. History has taught us over and over again that "the one who pays the piper calls the tune."

The African American church has always been in the forefront in the delivery of social services and in meeting human need. This new initiative does nothing to change that fact. What it does, however, is to institutionalize cooperation with the government and churches by allocating tax dollars to religious organizations instead of the government facing up to its responsibility of providing more dollars out of the huge national surplus to directly aid the poor and needy. This new initiative also raises some serious questions as to how the African American church can maintain its prophetic voice when it accepts funds from taxpayers to run meager programs that do nothing to change the systems and structures that promote, and feed, the poverty and oppression that is so evident in the African American community.

As a firm believer in the First Amendment to the U.S. Constitution and as a member of the convention that provided the denominational home for the late Rev. Dr. Martin Luther King Jr., I am convinced that charitable choice is akin to Judas accepting 30 pieces of silver to betray our Lord and Savior Jesus Christ. I say this because we cannot, during these critical times in our history, allow any program, no matter how glamorous it seems, to knock holes in the wall of separation between church and state, especially when African Americans still remain at the bottom when it comes to receiving services and getting the opportunity to fully live the American dream.

Today, more than ever, the African American church is called upon to be the prophetic voice and witness to society. The charitable choice initiative will put undue pressure on churches to abide by government regulations and will eventually create and encourage competition among religious organizations for the scraps from the table of government programs while the majority of the poor continue to suffer from benign neglect.

Charitable choice will eventually suffocate the role of the church in being the voice that cries in the wilderness for those who are voiceless.

If the African American church embraces charitable choice, it will no longer be able to go to Bethel and cry: "Let justice role down like water and righteousness like a mighty stream." Δ

*C. Mackey Daniels is president of the Progressive National Baptist Convention Inc. and a BJC board member.*



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