

REPORT FROM THE CAPITAL



Volume 56, No. 10

May 16, 2001

NewsMakers

◆ **Elliott Abrams**, chairman of the U.S. Commission on International Religious Freedom, applauded an announcement by President **George W. Bush** that he plans to take steps to convince the government of Sudan to end that country's long-running civil war. In a report on Sudan released in March, the commission recommended that the Bush administration appoint a special envoy to Sudan to help negotiate peace in the country.

◆ **Michael McConnell**, a law professor at the University of Utah and a former U.S. Supreme Court clerk, has been nominated by President Bush for a spot on the 10th U.S. Circuit Court of Appeals. McConnell has argued for vigorous enforcement of Americans' free exercise rights. But he has also advocated lowering the wall separating church and state.

◆ **Rep. J.C. Watts**, R-Okla., speaking of his support for legislation that would expand the opportunities of religious groups to compete for governmental aid for their social service programs, said "Separation of church and state has never been an issue when federal dollars have gone to Baptist hospitals or Catholic colleges. Why the fuss now when we're trying to help poor people?" He was quoted in the May 8 edition of *USA Today*. ▽

House panel strips vouchers from key education legislation

A bipartisan panel of House lawmakers has approved an education bill without provisions to allow the use of federal tax money for private school tuition.

The House Education and the Workforce Committee voted 27-20 to remove the voucher provisions from the House Elementary and Secondary Education Act and then overwhelmingly approved the measure. The Senate has also omitted private school vouchers from its education bill.

Like its Senate counterpart, the House legislation calls for increased education spending, more student testing and greater spending flexibility for local school districts. Left out was the proposal that would have provided \$1,500 vouchers to parents of students attending schools deemed "persistently failing."

Both bills would require students in grades three through eight to be tested annually on reading and math skills. Also included is a provision allowing school districts to fund funds to where they are most needed.

Holly Hollman, general counsel at the Baptist Joint Committee, said that excluding the private school voucher scheme from education legislation makes a statement in favor of public education and church-state separation.

"Any voucher scheme that would divert public education funds to private, religious schools is an affront to the constitutional prohibition against government aid to religion," Hollman said. "Congress should turn its attention toward ways of helping public education. And above all, anything Congress does to help the public schools should do

just that — help the public schools."

Jack Jennings, executive director of the Washington, D.C.-based Center on Education Policy, said Congress' exclusion of vouchers is a sign that the proposals are essentially "dead at the national and state levels."

"Support for vouchers is slipping away," Jennings said. "Politicians have seen the results of the referendum and they have seen that vouchers are not the way to go. Bush gave up early on vouchers because he knew he couldn't get it through Congress."

November voucher referenda on the ballots in Michigan and California were overwhelmingly rejected by nearly 40-percent margins.

Jennings said debate is under way at both the national and state levels on a major policy shift toward a tax credit to help offset the cost of private school tuition. The credit would apply to parents who choose to send their children to private schools and would not be dependent on whether or not a particular public school was labeled "persistently failing."

"These tax credits are alive and well if they can be fit into an overall tax bill," Jennings said.

Still some believe that vouchers could show up again when the bills are debated on the floor of Congress.

Joel Packer, senior professional associate for government relations at the National Education Association, said amendments that include voucher provisions will be introduced when both the Senate and House bills are debated. However, he is uncertain of the amendments' chances of passage. ▽

VOUCHERS

Court allows church exemption to land use laws

The U.S. Supreme Court has left untouched a California statute that exempts churches from local landmark preservation laws.

On April 30, the justices dismissed without comment an appeal filed by preservationist groups against a 1994 California law that declared local preservation laws "shall not apply to noncommercial property owned by any association or corporation that is religiously affiliated."

The law — which a preservation group had challenged as unconstitutional — was drafted after San Francisco preservationists protested a decision by the Roman Catholic Archdiocese to close nine parish churches. The preservationist groups had hoped the buildings would be declared historic landmarks, and accused lawmakers of violating state and federal laws that prohibit religious preferences.

But the California Supreme Court decided last December that "these exemptions simply free the owners to use the property as they would have done had the property not been designated a historic landmark."

More than 2,000 cities nationwide have preservation ordinances to protect buildings or areas that have historical or architectural significance, the *Los Angeles Times* pointed out. Δ

Bennett reportedly considered for religious freedom panel

The second annual report of the U.S. Commission on International Religious Freedom marks the end of two-year terms of its nine voting members.

Among individuals being considered as replacements is William Bennett, former education secretary and drug czar and a popular speaker and writer on culture and values.

Associated Baptist Press also has learned that President George W. Bush may nominate John Hanford, a congressional fellow who has worked on religious persecution cases in the office of Sen. Richard Lugar, R-Ind., to head the State Department office on religious persecution. Hanford is the nephew of former GOP presidential candidate Elizabeth Hanford Dole.

The post would also make him the 10th — but nonvoting — member of the commission established in 1998. Previously, Robert Seiple headed the State Department office after being appointed by former President Bill Clinton.

The commission began its work after the 1998 International Religious Freedom Act became law. Terms of commission members were set to expire May 14.

With a Republican in the White House, five of the appointments to the commission fall to Bush and GOP congressional leaders. Democratic leaders in Congress will make the other four.

A spokesman from the commission said top White House and congressional officials have promised to make the appointments on time.

While some commission members have asked to stay on the panel, others have requested to end their term. Still others will be unable to serve due to new appointments.

Commission member John Bolton, for example, senior vice president of the American Enterprise Institute, has been nominated by Bush to be Undersecretary of State for Arms Control and International Security Affairs.

Commission Chair Elliott Abrams, president of the Ethics and Public Policy Center, said the panel has not "had a single party-line vote in two years. I think that's testimony to my fellow commissioners' devotion to the cause of religious freedom."

Abrams spoke at the release of the commission's annual report. He urged Bush and congressional leaders to "appoint new commissioners as soon as possible."

The commission used the report as an opportunity to criticize the State Department's "cumbersome and lengthy" process for granting the commission access to embassy cables. In another section, the commission report claims the State Department violated the law by failing to report any specific sanctions placed on the five "countries of particular concern" listed last year. Δ

'Religious' bricks dispute resolved in Massachusetts town

An effort to keep religious messages off the bricks of a public boardwalk has been resolved with restoration of two of the most controversial bricks to the walk.

Bricks reading "Jesus Loves You" and "For All the Unborn Children" raised cries of protest when private benefactors of Woodman Park paid to plant them among other messages in a walkway.

The bricks soon disappeared under pressure from Newburyport Mayor Lisa Mead, who said the city could not allow the religious or political messages of one faction to be "permanently affixed to city property."

But on May 4, the bricks returned with messages intact after the city reached a settlement with brick sponsors and the American Center for Law and Justice, which had sued in federal court to have the bricks put back.

"My first and foremost goal has been to protect the interests of the city," Mead said. "I believe this settlement does that."

The deal says the bricks can stay and the city can erect a disclaimer sign reading, "The inscriptions on the bricks on this walkway were paid for through private donations. The inscriptions do not represent the views of the city of Newburyport or its officials."

Legal advisers, concerned about violations of church-state separation, had urged Mead last year to get the contested messages either changed or removed, she said.

The disclaimer prevents a legal problem for the moment, she said, but it won't suffice as a long-term solution to this type of dilemma.

"Government represents all the people, not a particular group of people," Mead said. The city is now formulating a policy to clarify "what (sort of message) is expected and not expected for public property."

Mead said more city parks are apt to raise private funds by inviting patrons to sponsor messages. Δ

Debate rhetoric reveals desire to use church as government tool



Mandy Tyler
Assistant to the
General Counsel

Debate of the “charitable choice” portion of President Bush’s “faith-based initiative” has been heating up for the past few months. In the crossfire of argument, a new, disturbing vocabulary on religion and its role in society has emerged.

Here are some notes from the field:

◆ President Bush titled his plan “Rallying the Armies of Compassion,” implicitly referring to religious folks as his foot soldiers in the war against hopelessness, poised to take funding and direction from the commander in chief. Should a church’s commander in chief be the president of the United States or God?

◆ John DiIulio, director of the White House Office of Faith-Based and Community Initiatives, speaks about the “cost-effective,” “outcome driven” results garnered by religious organizations, which he refers to as “social service providers providing social services” that just happen to be religious in character. Isn’t a church more than a social service provider? Should a church be providing cheap, efficient services or be showing an individualized commitment to the welfare of the whole person: spirit, mind and body?

◆ Rep. Tony Hall, D-Ohio, a co-sponsor of the “charitable choice” proposal in the House, wants to “better harness the talent” of religious organizations. Do we really want to “harness” religion for government purposes?

◆ Policymakers and proponents of “charitable choice” loosely use a new “hot” term — “Faith-Based Organization” or “FBO” — when referring to government funded houses of worship. In Washington, city of acronyms, doesn’t referring to churches as FBOs denigrate the power of religion?

This is just a sampling of the rhetoric that points to a larger flaw in the proposal: “Charitable choice” tries to reconcile the irreconcilable. Government and religion have fundamentally different priori-

ties and missions that often will conflict. Making government and houses of worship contractual partners will pit government priorities against religious ones.

Religious leaders across the country understand the dangers of being used for government objectives. Given our constitutional commitment to religious liberty and separation of church and state, religious people have cause to be suspicious when the government tries to help us out.

Last month, more than 850 religious leaders signed a petition to President Bush and members of Congress expressing their concern with the effects of “charitable choice” on religion. Baptists and Buddhists, rabbis and reverends all said, “no thanks” to government money for their ministries. Signatures are being added to the petition daily, and more information on this initiative may be found on our website (www.bjcpa.org).

Of course, government and churches do cooperate in providing social services, but houses of worship should be wary of entering into contractual, financial relationships with government because it is religion that will usually be compromised in the end. Some religious groups might want to accept government money in the model of religious affiliates such as Catholic Charities and Lutheran Social Services, spinning off a separate organization that does not proselytize or discriminate when providing social services. The religious affiliate option may be a good one for some religious organizations, as long as they are prepared to be considered as an “FBO,” and risk being harnessed by government for government objectives.

Martin Luther King Jr. once said, “[The church] must be the guide and the critic of the state, and never its tool.” Listening to the words of President Bush, Dr. DiIulio and Rep. Hall, it sounds like some would like for religion to be the latter. Even when the objectives are as noble as ending poverty and curing addiction, the price of forfeiting religious liberty and succumbing religious mission to government control is too high to pay. The time is now for the church to be the critic of government, before it becomes government’s tool. Δ

Thanks for gifts to BJC in memory of Fern Walker

As many of you know, my mother, Fern Walker, passed away March 4, 2001. Nancy and I appreciate the hundreds of letters and calls expressing your sympathy and concern. I also want to recognize and thank the following friends who made generous gifts to the Baptist Joint Committee in her memory:

Pat and Carolyn Anderson
Lakeland, Fla.

Bill and Kay Cumbie
Falls Church, Va.

James and Marilyn Dunn
Washington, D.C.

Flynn and Ann Harrell
Columbia, S.C.

Holly Hollman
and Jay Smith
Arlington, Va.

Mary Jones
Clermont, Fla.

Jack and June McEwen
Chattanooga, Tenn.

David and Sandi Rogers
Falls Church, Va.

Ann Rutherford and the
Rutherford Sunday School
Class, Columbia Baptist
Church
Falls Church, Va.

Jack and Faye Shaw
Cocoa, Fla.

Lucy Smith
Clermont, Fla.

Oliver and Lisa Thomas
Maryville, Tenn.

Carroll and Margie
Wheedleton
Chantilly, Va.

J. Brent Walker

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REPORT FROM THE CAPITAL

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REPORT from the CAPITAL (ISSN-0346-0661) is published 24 times each year by the Baptist Joint Committee. Single subscriptions, \$10 per year. Bulk subscriptions available.



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Hear U.S. Rep. John Lewis

at the
Annual Luncheon
of the
Religious Liberty Council



Noon to 1:45 p.m.
Mimosa and Rutherford Rooms

Friday, June 29, 2001
Omni CNN Center, Atlanta, Ga.

Luncheon tickets are \$20 in advance or \$25 at the luncheon. Ticket orders received by June 19, 2001, will be mailed. Tickets for orders received after that date may be picked up June 28-29 at the Baptist Joint Committee exhibit at the Cooperative Baptist Fellowship Resource Fair. **Luncheon seating is limited.**

Rep. Lewis, the recent recipient of the John F. Kennedy Profile in Courage Award for Lifetime Achievement and a leading figure in the nation's Civil Rights Movement, will be available to autograph copies of his book, *Walking With the Wind*, following the luncheon.

Please clip or copy form and mail to the Baptist Joint Committee.



Please send _____ tickets for the 2001 Religious Liberty Council luncheon.

Enclosed is a check in the amount of \$_____

Name _____

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For additional information, contact Wanda Henry (Wanda_Henry@bjcpa.org).

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