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REPORT FROM THE CAPITAL

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NewsMakers

◆ President George W. Bush defended his faith-based initiative in a May 20 commencement speech at the University of Notre Dame. "Child care vouchers for low-income families are redeemed every day at houses of worship across America. Should this be prevented?" he asked. "Government loans send countless students to religious colleges. Should that be banned? Of course not." Bush said he is expanding his faith-based agenda to further address housing and drug treatment issues.

◆ Michael K. Young and Nina Shea have been reappointed for two-year terms on the U.S. Commission on International Religious Freedom. Young is dean of the George Washington University Law School in Washington, D.C., and Shea directs the Center for Religious Freedom of Freedom House in Washington, D.C.

◆ The Rev. Diane Kesler, executive director of the Massachusetts Council of Churches, commenting on a recent state Supreme Court decision on the placement of a steeple on a Mormon temple, said, "The free exercise clause (of the U.S. Constitution) should be honored fully, and issues of architecture are related to free expression." The court dismissed arguments from residents of an upscale Boston suburb that a steeple is unnecessary for worship. Δ

House rejects voucher riders, approves education overhaul

House lawmakers rejected two amendments that would have allowed education vouchers to pay some students' tuition at private and religious schools before overwhelmingly approving a sweeping measure to change federal education policy.

The 384-45 vote on the full education package May 23 handed a major victory to President George W. Bush, who campaigned on linking school performance to tax dollars and instituting national testing standards.

But another key Bush proposal — providing education vouchers to allow students in failing schools to attend private and parochial schools with tax dollars — was rejected by lawmakers. Even though Bush had already dropped his bid for vouchers in reaching a compromise with key Democratic leaders, conservative House Republicans attempted to add voucher amendments on the House floor.

Rep. Dick Armey, R-Texas, offered the unsuccessful voucher amendments. On a 155-273 vote, lawmakers rejected a proposal that sought to give students attending low-performing schools vouchers worth \$1,500 to attend private schools for three years. The second voucher proposal would have authorized five pilot voucher programs to determine the effectiveness of school choice in improving academic achievement. It failed on a 186-241 vote.

Rep. John Boehner, R-Ohio, supported the voucher initiatives, saying, "I think it is common knowledge that we already

have school choice in this country, except for poor children."

But Democrats pointed to recent voter referendums in Michigan and California where more than two-thirds of voters rejected voucher proposals.

Rep. Lynn Woolsey, D-Calif., said instead of developing a plan to make all public schools better, voucher supporters are only offering to "take precious education dollars out of our public school system and give them to private and religious schools."

The education package angered some conservative religious leaders who have long supported vouchers.

James Dobson, president of Focus on the Family, issued a statement blasting the bill. "There is nothing in this education bill that will please pro-family people." He said all of the "conservative provisions have been stripped out, including vouchers."

"George W. Bush wants to be known as the 'education president,'" Dobson said, "but in order to get that done, he has essentially agreed to an education bill that could have easily been inspired by Al Gore or written by liberal Democrats."

Holly Hollman, Baptist Joint Committee general counsel, lauded lawmakers "for following constitutional and common sense principles and rejecting these latest voucher proposals."

Whether they are called "school choice" or "educational scholarships," Hollman said vouchers for religious schools "are wrong because they constitute government support of religion." Δ

Voucher Votes		
	Yes	No
\$1,500 Voucher Proposal	155	273
Voucher Pilot Project	186	241

Ashcroft's daily devotionals draw criticism, support

Attorney General John Ashcroft's daily Bible studies at Justice Department offices have drawn criticism from staffers who do not share his Pentecostal Christian beliefs. But others familiar with the practice say it has not made them uncomfortable.

Ashcroft passes out devotional books to the three to 30 people who attend the sessions in his personal office or a conference room, *The Washington Post* reported.

"It strikes me and a lot of others as offensive, disrespectful and unconstitutional. ... It at least blurs the line, and it probably crosses it," said a department attorney, one of several critics who refused to be identified by name.

Baptist Joint Committee Executive Director Brent Walker said Ashcroft's sessions appear to fall within federal guidelines endorsed by the BJC and other religious groups.

"Bible studies are OK as long as they are strictly voluntary, avoid even subtle coercion and don't interfere with the discharge of the public's business," he said.

Walker noted that the BJC has been critical of Ashcroft's "lack of appreciation for separation of church and state. But, his daily devotionals - even with other Justice Department employees - should not be counted among his church-state indiscretions." Δ

Panel weighs accountability in 'charitable choice' legislation

The accountability of the federal government to American taxpayers could prove to be a "sticking point" in the passage of the "charitable choice" part of President George W. Bush's faith-based initiative, says Rep. Elijah Cummings, D-Md.

Cummings and other members of the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources held a May 23 hearing on the Bush charitable choice plan. The provision would shift tax dollars to pervasively religious organizations to provide social services.

"Taxpayers want their money to be spent effectively and efficiently," Cummings said.

Representatives of Christian drug and alcohol treatment programs testified before the panel, emphasizing the importance faith plays in the effectiveness of their education and treatment programs.

The Rev. Horace Smith, head of a substance abuse treatment program in Baltimore, said he supports the idea of federal funds being distributed to community and faith-based organizations but believes more stipulations should be added requiring certification for individuals providing services and accreditation for the organizations as a whole.

"There's a danger that those we seek to service won't receive that level of help they actually need because there presently is not any standard of care within the faith-based community," Smith said. "For the organization, accreditation most importantly improves accountability."

Subcommittee chairman Mark Souder, R-Ind., though admittedly more concerned about the outcomes of the programs than their being "licensed," echoed concerns about the accountability issues.

"How do we give accountability to taxpayers without turning [the providers] into a bunch of bureaucrats?" Souder asked.

House members also expressed concern about sidestepping civil rights laws and overstepping the line of separation between church and state. Rep. Danny Davis, D-Ill., said he was open to the idea of charitable choice but only if two safeguards were put in place. The first, a safeguard against religious discrimination in hiring. And second, solid protection for church-state separation.

Cummings said the possible discrimination with respect to employment under

"charitable choice" falls under the accountability issue.

"Muslims and Buddhists are all paying taxes," Cummings said. "One thing they want is to make sure their tax money is not being used to discriminate based on religion or race."

Rep. John Mica, R-Fla., questioned the social service providers about how public money could be mixed into organizations like their own without causing red tape, excessive intrusion and church-state questions.

Rev. Roosevelt Sanders, pastor of Mission Baptist Church in Indianapolis, Ind., said that it was possible to avoid those issues if the government guided the organizations through the process using the "Goldsmith" model. Sanders said former Indianapolis mayor Stephen Goldsmith and his staff helped the organizations set up separate 501(c)(3)s and seek grants, but kept a hands-off approach otherwise. Δ

Appeals court reinstates graduation prayer policy

Allowing student-led prayer at graduation ceremonies does not violate the constitutionally mandated separation of church and state, the 11th U.S. Circuit Court of Appeals ruled May 11.

That means seniors in Jacksonville, Fla., high schools may elect a representative to deliver a brief graduation "message" that can include a prayer.

The legal status of the Duval County Public School District's 1993 policy had been in limbo since October. That's when the U.S. Supreme Court ordered the 11th Circuit to review an earlier opinion upholding the prayers in light of a high court ruling last June banning prayers before school football games in Texas.

In that case, the high court found unconstitutional a policy of the Santa Fe Independent School District in Galveston County, Texas, that allowed a student elected by a majority of classmates to deliver an invocation over the public address system at home varsity football games.

The Santa Fe policy amounted to state sponsorship of prayer, which violates the First Amendment's Establishment Clause, the high court decided.

The 11th Circuit Court, however, said differences between the Texas and Florida cases were "substantial and material," and that there is no reason to reverse a March 2000 opinion that the Duval County policy is constitutional. Δ

Be prepared to fend off bean balls if you favor church-state separation



So you think baseball is the national pastime? From my spot on the field it appears the favorite sport of many both within and outside Baptist life is hurling bean balls at the BJC. Strong advocacy for religious liberty and the separation of church and state

always seems to make some people lose sight of the proverbial strike zone.

In an article in the June issue of Focus on the Family's *Citizen* magazine, the author chronicles the attempt by a Baptist layman to end his Baptist body's support of the BJC, alleging a variety of indiscretions on our part. The article contains a number of half-truths and guilt-by-association allegations. I wish the author had bothered to call me to discuss the charges before publishing them.

Then, the Southern Baptist Convention's Baptist Press, which rarely passes up a chance to sucker punch the BJC, wrote a "news story" about the *Citizen* magazine article. The author includes a litany of tired, Roger Moran-inspired accusations against the BJC. Needless to say, neither the Baptist Press writer nor editors bothered to call me.

The accusations in both articles gravitate around three points. Each one fails to cross the plate.

1. *The Baptist Joint Committee cares more about No Establishment than it does Free Exercise.*

Not true. For 65 years the BJC has pursued a balanced, sensibly centrist position on church-state issues affirming *both* the No Establishment and Free Exercise clauses in the First Amendment as essential guarantors of our God-given religious freedom.

Let me highlight a few recent examples. We chaired a broad coalition to seek passage of the historic Religious Land Use and Institutionalized Persons Act of 2000 to strengthen the hand of churches in dealing with unreasonable zoning laws and iron-fisted land use regulators. We filed a brief in the U.S. Supreme Court

defending the right of the Good News Club to meet in elementary schools after class to provide the children with moral instruction from a religious viewpoint. We wrote a short book outlining how churches can cooperate with government — even accept money for social services — in a way that is constitutionally permissible and protects the churches' autonomy. And just last week on national television I defended Attorney General John Ashcroft's right to hold Bible studies and prayer meetings with Justice Department personnel before work in his office. Hostile to free exercise? Hardly.

2. *The Baptist Joint Committee is too partisan.*

Not true. We work with Democrats and Republicans, meting out criticism to politicians in both parties when they run roughshod over our "first freedom." We advocate positions on *issues*; we do not support or oppose *politicians*. In criticizing President Bush's "charitable choice" proposal, I have repeatedly lauded the president's goal of helping the poor. We simply believe that "charitable choice" is the wrong way to do right. When Al Gore endorsed "charitable choice" during the last election campaign, my predecessor, James M. Dunn, wrote an open letter to Mr. Gore telling him that he had ripped his britches. We worked with Sen. Kennedy and Sen. Hatch in passing the Religious Freedom Restoration Act and chided three Baptist senators of both parties for opposing it.

In short, we are equal opportunity critics when public officials cross the line.

3. *The Baptist Joint Committee is aligned with objectionable left-wing organizations.*

Not true. We always maintain our independence and take positions on church-state issues consistent with our mission statement and historic Baptist principles. Yes, we work with various organizations — left and right — who agree with *our* positions on church-state issues; no, we do not thereby endorse positions that *they* take on other issues.

But get this. At the very moment that I sat in my office reading the *Citizen* and BP articles, Holly Hollman, the BJC gener-

Watts upbeat about chances of Bush plan in House

The sponsor of President Bush's "faith-based initiative" said he is confident the bill will pass the House of Representatives this summer, though it faces opposition and a delay in the Senate.

Rep. J.C. Watts, R-Okla., is the lead sponsor of a bill that would implement Bush's plan to give religious groups more access to federal money for social services under the "charitable choice" program.

Meeting with reporters, Watts echoed Bush's call for a renewed war on poverty, but agreed that faith-based programs can only do so much.

"I don't think it's a panacea, but it's one more spoke in the wheel of trying to create solutions to help the underprivileged in society," Watts said.

The measure's future in the Senate is unclear. On May 24, Sen. Jim Jeffords of Vermont left the Republican Party, giving control of the Senate to the Democrats, who have been mostly cool to the faith-based proposal. Sen. Rick Santorum, R-Pa., sponsor of a scaled-back Senate version of the bill, told *The New York Times* the bill has been placed on hold because "right now this is a hot button issue."

Santorum's bill, co-sponsored by Sen. Joseph Lieberman, D-Conn., would not expand charitable choice but focuses on tax incentives to increase charitable giving. 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
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- ◆ Seventh Day Baptist General Conference

REPORT FROM THE CAPITAL

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Events

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.** Lewis will be available to autograph copies of his book, *Walking With the Wind*, following the luncheon.

Contact: Wanda Henry at 202-544-4226 or Wanda_Henry@bjcpa.org

REFLECTIONS, Continued from Page 3

al counsel, and Mandy Tyler, her assistant, were meeting in *our* conference room with representatives of both the Focus on the Family-spawned Family Research Council and the Southern Baptist Convention's Ethics and Religious Liberty Commission. They were developing strategy for encouraging states to adopt religious liberty bills! Even as we were being nailed by unfair press reports delivered by Focus on the Family and SBC's Baptist Press, we were meeting with *their* public policy advocates to promote religious liberty.

The Baptist Joint Committee has been extremely successful in its 65-year history. We have been effective precisely because we value stringent enforcement of both

religious clauses, work with and criticize members of both political parties and form coalitions with groups that agree with *us* when expedient to do so.

No organization is above criticism, and we are always looking for ways to improve how we do our work. But we will not cover and trust you will not be misled by one-sided attacks from those who would tear down the wall separating church and state.

We will continue our mission to "defend and extend God-given religious liberty for all, bringing a uniquely Baptist witness to the principle that religion must be freely exercised, neither advanced nor inhibited by government."

Batter up. Δ

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