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REPORT FROM THE CAPITAL

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NewsMakers

◆ **Natalie Crenshaw**, Cedric Grant, Jana Harmon and Meredith Stewart have begun summer internships at the Baptist Joint Committee. Crenshaw is a senior finance major attending the University of North Carolina-Charlotte. Grant graduated with a bachelor's degree in finance from Howard University in Washington, D.C., and will soon begin his second year in the master of divinity program at Princeton Theological Seminary. Harmon is a junior history/political science major at the University of Texas in Austin, Texas. Stewart is a junior political science major attending the University of Richmond.

◆ **Jeffrey Haggray**, pastor of Pennsylvania Avenue Baptist Church in Washington, D.C., has been selected as the executive director/minister of the District of Columbia Baptist Convention. Haggray, a member of the board of the Baptist Joint Committee, will begin his tenure on August 1. He will succeed Jere Allen, who retired last year.

◆ **Maj. Gen. Lorraine K. Potter** has succeeded Maj. Gen. William Dendinger as chief of the U.S. Air Force Chaplain Service. Potter is the first woman chief of chaplains in any branch of the U.S. military services. She directs and trains more than 2,350 active duty, Guard and Reserve chaplains and support personnel in the chaplain service. Δ

'Charitable choice' backers show readiness to make concessions

Lawmakers continue to discuss President George W. Bush's controversial proposal to fund religious social service ministries with tax dollars even as some prominent "charitable choice" backers are showing a willingness to concede one of the major provisions in the initiative.

The first hearing in the Senate came on the same day Democrats gained control in the chamber, a power switch that may lead to further roadblocks for Bush's faith-based initiative, according to church-state observers.

Rabbi David Saperstein of the Religious Action Center of Reform Judaism told Associated Baptist Press recently that the Senate shift spurred by the party change of Sen. James Jeffords, I-Vt., would help the cause of supporters of a strong degree of separation between church and state. He predicted that charitable choice opponents would be in position to secure a better compromise on the legislation because of the power shift.

At a Senate Judiciary Committee hearing June 6, Sen. Rick Santorum, R-Pa., said he would now be open to requiring religious groups that wish to be eligible for tax dollars to incorporate a separate 501(c)(3) nonprofit group to do so. Under existing law, houses of worship may already take this approach and apply for government funding for nonreligious purposes. The concession on the part of some charitable choice backers is considered an important step in addressing the problems critics have with the proposal.

At a House hearing the following day, however, constitutional law expert Douglas Laycock disputed the claim that creating a separate corporation to receive government funds is sufficient to protect religious liberty.

Laycock, associate dean for research at the University of Texas Law School in Austin, Texas, said in prepared testimony, "Corporate affiliates exist in filing cabinets and the minds of lawyers; they may be wholly intertwined operationally." He added, "Either the church or its affiliate may respect or abuse the religious liberty of the clients it serves under the government-funded program."

During the House hearing, Saperstein addressed the issue of discrimination against religious institutions present under the current charitable choice policy. Saperstein noted that "it is not the opponents of charitable choice who concocted the idea of treating religion differently; it was the framers of the Constitution."

Saperstein said, "Only religion has an Establishment Clause with all of the attendant protections and limitations that imposes. To abandon this idea in pursuit of a 'level playing field' is a political time bomb for religion in America."

While commending President George W. Bush on portions of his faith-based initiative, Saperstein voiced arguments frequently expressed against charitable choice. He said the government money



Rabbi David Saperstein testifies at House 'charitable choice' hearing.

Texas lawmaker takes issue with Bush statement

A Texas lawmaker has taken issue with President George W. Bush's recent statements implying that critics of his plan to fund religious ministries with tax dollars do not understand the power of faith.

"Those who worry about faith in our society, and government's willingness to stand side-by-side with faith, don't understand the power of faith and the promise of faith and the hope of faith," Bush told *The Washington Post*.

Rep. Chet Edwards, D-Texas, responded in remarks on the House floor. "I do not think it is fair to question the religious faith of decent Americans who happen to disagree with his policy proposals," said Edwards, a long-time critic of "charitable choice" initiatives that grant tax dollars to religious ministries. "Challenging people's religious faith because of public policy differences is not a way to bring Americans together; rather it is a prescription for religious divisiveness."

Edwards continued that "numerous groups such as the Baptist Joint Committee and the American Jewish Committee differ with the president on faith-based initiatives, not because they question the power of faith, but because they want to prevent government from regulating our faith." Δ

Divided high court declines Ten Commandments case

A divided U.S. Supreme Court refused to get involved in an Indiana dispute over posting the Ten Commandments on public property.

The high court usually doesn't comment when refusing to review a lower court's ruling. However, when justices voted May 29 to let stand a ruling against a public monument bearing the Ten Commandments, Chief Justice William Rehnquist issued a rare dissent and was joined by Justices Antonin Scalia and Clarence Thomas.

Rehnquist disagreed that the monument, erected in 1958 outside the Elkhart Municipal Building in Elkhart, Ind., amounts to an establishment of religion. He called it "part of the city's celebration of its cultural and historical roots, not a promotion of religious faith."

Two Elkhart residents filed a lawsuit objecting to the display on public property, claiming it violates the Establishment Clause of the U.S. Constitution.

The landmark's history began in the 1940s when a local judge — concerned about the growing number of youths in trouble — sought to tout a common code of conduct. The Fraternal Order of Eagles financed the granite monument of religious laws and later donated it to the community. Three religious leaders spoke at a dedication ceremony in 1958.

In 1998 the city's mayor was threatened with a lawsuit unless it was removed. The city's common council swiftly adopted a resolution stating that the display merely recognizes the historical and cultural significance of the Ten Commandments.

The residents sued and won a ruling against the monument on church-state grounds in lower courts, including the 7th U.S. Circuit Court of Appeals.

In his dissent, Rehnquist said the city is not bound to display only symbols that are wholly secular. He pointed to the Supreme Court's own carving of Moses holding the Ten Commandments, surrounded by representations of other historical figures. "We have said that the carving signals respect not for great proselytizers but for great lawgivers," he said.

Associate Justice John Paul Stevens criticized the three conservative dissenters' analysis.

He said the first two lines of the monument's text, which appear in much larger letters than the rest, were ignored by the dissenters. The lines read, "THE TEN

COMMANDMENTS — I AM the LORD thy God." Stevens said the emphasis on the lines "is rather hard to square with the proposition that the monument expresses no particular religious preference."

Stevens also noted that the three religious leaders who addressed the dedication event spoke not of the cross-cultural significance of the Ten Commandments "but of the need for every citizen to adopt their precepts so as to obtain 'redemption from today's strife and fear.'"

"To dismiss that history in favor of a resolution issued by the Elkhart Common Council on the eve of litigation is puzzling indeed," Stevens said. Δ

Indiana lottery fund under scrutiny by Methodists, ICLU

The Indiana Civil Liberties Union has filed suit to stop money from a state gambling fund from going to "religious and theological entities."

The ICLU filed a suit alleging state officials allowed public money to help fund an Easter parade, a Catholic high school and a Catholic college, among other things.

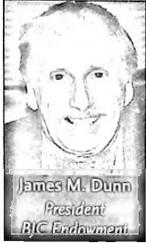
The money came from the Build Indiana Fund, which funnels money from the state lottery and riverboat casinos into public projects. Created in 1989, the fund brings in hundreds of millions of dollars. Last year, the riverboat casino industry contributed \$253 million to the fund.

ICLU officials say the state needs to more closely monitor which groups receive funds, and for what purpose. "Both the Indiana and the United States Constitutions are clear. Indiana cannot directly fund religion," said ICLU legal director Ken Falk. "This action is brought to bring these practices to a stop."

The fund is also coming under scrutiny from United Methodists in Bloomington. The church is building a new headquarters for the South Indiana Conference in a Bloomington office park, and a \$125,000 state grant from the lottery fund is helping to build water and sewer lines in the park.

The United Methodist Church condemns gambling as a "menace to society," and church members are worried that gambling funds could help build their new offices. A task force concluded the church's position will not be "compromised" by the project, but conceded that "... we are not naive enough to think we can live in Indiana without being somehow indirectly involved with some of the proceeds of gambling money," according to United Methodist News Service. Δ

Odd it is – welfare for the well-off snuck in by tax measure conferees



Welfare for the well-off ... you have to call it that. For the first time the federal government has a law that provides taxpayer funded assistance to elementary and secondary private and parochial schools. The tax break for schooling allows up to \$2,000 annually to be deposited in tax-favored accounts for students in private schools.

The way it was done is almost as disturbing as the legislation itself. This innovation is part of a passel of provisions slipped into the tax bill in conference. "Conference" is the device by which a few legislators reconcile House and Senate differences. With members of Congress dashing for the doors on Memorial Day weekend, few were even aware of this designer tax break.

Such special savings accounts are, to say the least, controversial. The late Sen. Coverdell got such a scheme passed and to the desk of President Clinton. The president vetoed it. The veto stood. Yet, now, without benefit of full discussion and debate, they snuck it in.

The *Washington Post* editorialized on this bizarre bit of business:

Some school choice proponents hail the provision as a first step toward vouchers. If so, it's an odd first step, because it does little to help the families who most need financial help. (June 4, 2001)

Odd it is. Both the House and Senate have given vouchers a cold shoulder. State after state has voted down voucher plans. Yet, somehow the conference, in its wisdom, came up with this.

Odd it is. The very brouhaha that

brought a shift in the Senate swirled about the need for improving education for special-needs students. Sentiment is strong for smaller classrooms. Most folks, both Republicans and Democrats, are bent on improving public schools, where 90 percent of children go. Yet, a contingent of congresspersons at the last minute came up with this bit of welfare for the well-off.

Odd it is, even more, because the little band of legislators refused to include President Bush's best idea on taxes: allowing charitable deductions for non-itemizers. The president proposes that those who do not normally specify deductions on their income tax forms should still be entitled to claim charitable contributions.

This proposition generates broad-based bipartisan support. The Baptist Joint Committee has long been on record favoring this bit of fairness. President Bush is to be commended for including it in his package of initiatives for strengthening religion's response to human need.

It is clear that 70 percent of taxpayers do not itemize charitable deductions. The Independent Sector and other authorities envision an increase of \$14 billion to \$16 billion in giving to churches and other people-helpers. What better way is there to elicit support for the social ministries of caring communities?

This incentive for non-itemizers stops short of subsidy, leaves decisions with the taxpayers, avoids government entanglement, encourages and supports those agencies that need help most without meddling in their business. Both the House and Senate have approved charitable deductions for non-itemizers in the past. This measure does not mess with the separation of church and state. It just makes sense.

Why do you suppose Bush's best idea was bypassed? It makes me wonder. Δ

Firefighters claim religious bias

Six firefighters in Washington, D.C., have filed a federal lawsuit against their fire chief, claiming his enforcement of a fire department grooming policy violates their religious freedom.

A Nazirite, a Rastafarian and four Muslims contend that Fire Chief Ronnie Few violated the First Amendment and the Religious Freedom Restoration Act of 1993 when he began enforcing a grooming policy in April and required them to cut their hair or trim their beards.

Hassan A. Umrani, a Muslim, said he was placed on leave because he wore a kufi, or skullcap, for religious reasons, even though he had already trimmed his beard. Robert A. Ellerbe, a Rastafarian, said he cut his hair for the first time in six years to protect a 20-year career.

The other plaintiffs — Willie C. Gafney, Tarick A. Ali, Shannon M. Lyons, and Calvert L. Potter — face termination for refusing to comply with the grooming policy.

"I challenge the fire department to find one incident where a firefighter was injured or caused someone else to become injured because of the length of their hair or their beards," said Gafney.

But Few said he was concerned that firefighters with long hair might be unable to wear fire helmets properly, and those with beards could have trouble with their face masks. Δ

