



REPORT FROM THE CAPITAL

Volume 56, No. 15

July 25, 2001

NewsMakers

◆ **Jim Jones**, retired religion editor of the *Fort Worth Star-Telegram*, was named the 2001 recipient of the Associated Baptist Press Religious Freedom Award. The award, which honors individuals whose achievements advance the principles and practice of religious freedom, particularly in the field of journalism, will be presented this fall.

◆ **The Rev. Eliezer Valentin-Castanon**, program director of the General Board of Church and Society of the United Methodist Church, expressed opposition to "charitable choice" at a recent Capitol Hill press conference. "We must oppose this legislation because it is discriminatory," he said, basing his remarks on officially adopted United Methodist Church policy. "It allows groups to discriminate against people in the hiring and firing process based solely on their religious affiliation, or lack thereof."

◆ **Rep. Jerrold Nadler**, D-N.Y., after the July 19 House passage of a charitable choice plan, asked why religious groups should use faith as a litmus test when performing social services. "Why does a Jewish feeding program need to hire only Jews to serve soup?" he asked. "Why does a Baptist shelter need to hire only Baptists to provide blankets?" Nadler was quoted July 20 in *The Washington Post*. ▽

House passes 'charitable choice' despite last-minute delay in vote

Debate about government funding of religion and the separation of church and state took center stage on the floor of the House of Representatives July 19 as President George W. Bush's "faith-based" initiative passed by a vote of 233-198.

The bill would expand "charitable choice" plans to allow tax dollars to fund social services run by pervasively religious organizations, such as churches. Critics say the plan would violate church-state separation, burden religious groups with government regulations that follow tax dollars and authorize government-funded employment discrimination.

Despite House passage of H.R. 7, opponents were encouraged by the close vote and the opposition to the bill generated in recent weeks. The initiative still must pass the Senate, where it faces even stiffer opposition.

Senate Majority Leader Tom Daschle, D-S.D., has said that the measure will be considered. But he signaled that floor action may not occur this year and expressed doubt about passage in its present form. According to news reports, Daschle said, "I can't imagine that we could pass any bill that would tolerate slipping back to a level of tolerance that would be unacceptable in today's society."

House passage of the measure came after the vote was delayed for a day until supporters could gain enough votes by lobbying moderate GOP lawmakers.

"It's a sad day because this absolutely

terrible bill passed the House," said Rep. Jerrold Nadler, D-N.Y., at a press conference following the vote. "But it's a good day because I think that the very large vote that we got against this is a step toward defeating it, and a signal to our friends in the Senate to stiffen their spines a little on this issue."

At a press conference after the vote, the bill's sponsor, J.C. Watts, R-Okla., expressed confidence that the faith-based initiative "can overcome any hurdles in the Senate."

Much of the opposition to the bill came from representatives who feared that allowing church-based charities to receive federal funds would lead to discrimination. Many charities, because of an exemption in the Civil Rights Act of 1964, are allowed to hire on the basis of religious affiliation. The bill's opponents feared that these institutions would be allowed to use federal money to continue to discriminate.

"No American citizen, not one, should have to pass someone else's religious test to qualify for a federally funded job," said Rep. Chet Edwards, D-Texas, during the House debate. Edwards noted that he was siding with "over 1,000 religious leaders across America" in his decision to oppose the bill.

The bill's supporters, however, were quick to defend current hiring policies.

"One of the most important charitable choice principles is the guarantee of institutional autonomy that allows faith-



People oppose charitable choice because of religious beliefs.

— Brent Walker

Sabbath-keeper gets \$2.25 million in FAA bias case

A Christian who was fired after refusing to work on the Sabbath has been awarded \$2.25 million in a civil lawsuit against the Federal Aviation Administration.

Don Reed, 45, suffered from religious discrimination when he lost his job as a Denver air traffic controller in 1995, a jury decided July 17. Reed, a nondenominational Christian, had worked there for five years.

"In a land where people sometimes question whether the term 'justice' has any meaning, I'm here to state that it still exists," Reed said after hearing the jury's decision.

According to court testimony, Reed was fired after a manager refused to accommodate his observance of the Sabbath from sundown on Friday to sundown on Saturday. The Associated Press reported.

Though two previous managers had accommodated Reed's religious observance, the third manager said his Sabbath observance was a "religious scam" and dismissed Reed when he did not report to work on six Saturdays.

Attorneys for the government had argued that Reed's absences compromised public safety by leaving the administration short-staffed. Δ

Judge: Connecticut town must allow in-home prayer meetings

A federal judge has ordered officials of a Connecticut town to allow members of a family to hold prayer meetings in their home.

U.S. Magistrate Judge Holly B. Fitzsimmons issued a preliminary injunction against officials of New Milford, Conn., on July 5, saying they placed a substantial burden on the family's exercise of religious beliefs when they ordered a halt to the meetings.

The American Center for Law and Justice, a law firm funded by religious broadcaster Pat Robertson, filed suit last December on behalf of Robert and Mary Murphy, who had held weekly prayer meetings and Bible studies in their home since the mid-1990s.

After neighbors complained about traffic from the gatherings, the town's zoning enforcement officer ordered the family to halt the sessions. The officer testified that a large assembly of people was not allowed in the neighborhood. In their testimony, family members said some people had stopped attending the prayer meetings for fear of arrest.

Fitzsimmons cited the First Amendment and the new Religious Land Use and Institutionalized Persons Act in her 39-page ruling.

"The court finds that the allegation that people are afraid to attend a prayer meeting because they fear being arrested is a substantial burden that the defendants have imposed on the prayer group participants," she wrote.

New Milford's Zoning Enforcement Officer Kathy Castagnetta could not be reached immediately for comment. Δ

Women win fights to wear head scarves for religious purposes

A female Muslim firefighter in Maryland has won the right to wear a religious head scarf while at work, and state officials in Idaho have agreed to allow a Christian woman to wear a head scarf in her driver's license photo.

Stacy Tobing, a seven-year veteran of the Montgomery County Fire and Rescue Service who converted to Islam last year, began wearing a traditional "hijab" at work in June, but was placed on administrative leave while fire department officials evaluated department policy on the issue, according to the Council on American-Islamic Relations.

"We were worried about what would happen in the event of a fire or if we were to run into an unruly patient who might want to reach out and grab her," Fire Administrator Gordon Aoyagi told *The Washington Post*.

But according to that newspaper, "Tobing showed her supervisors a special head scarf held together with Velcro that rips away if pulled. She also proved she could take off the scarf and don protective headwear in seconds if forced to battle a fire."

Under the agreement reached July 12, Tobing can wear a dark blue or white head scarf while on duty, and when she needs to wear protective clothing she can replace the head scarf with a fireproof hood and helmet.

In a similar case, the Idaho Department of Motor Vehicles has decided to permit a Christian woman to wear a religious head scarf in her driver's license photograph.

Janet Schmid had been told she could not be photographed wearing the head covering because doing so would violate a state mandate that does not allow driver's license photographs in which the face is "disguised or otherwise concealed," according to the Rutherford Institute, a nonprofit group that focuses on defending constitutional and human rights.

After the institute's attorneys met with Idaho Transportation Department officials, Schmid received a waiver recognizing her religious reasons for wearing the head covering. Δ

Salvation Army no longer retaining public policy team

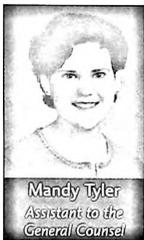
The Salvation Army's national commander has written an open letter to the religious group's employees, declaring it no longer is working with a public policy team it hired to help it support President Bush's faith-based initiative.

Commissioner John Busby wrote the letter, distributed July 13, to counter reports about the evangelical Christian group's discussions with the White House about enhancing governmental funding of religious social services.

The Washington Post reported that the Army had proposed a regulation that would exempt religious groups receiving federal funding from local requirements that they offer domestic benefits to partners of gay and lesbian staffers.

The White House subsequently announced that it had dropped consideration of the proposal. Δ

Nonitemizer deduction: a first-rate proposal, a second-tier priority



Mandy Tyler
Assistant to the
General Counsel

As the dust settles after the passage of H.R. 7, there is much discussion and analysis of Title II of the bill, which consists of the massive expansion of "charitable choice" to several government programs. What few people are talking about

is Title I of the bill, which includes the House's version of President Bush's proposal to extend the deduction for charitable gifts to those taxpayers that do not currently itemize their deductions. Maybe few people are talking about the nonitemizer deduction because the proposal in H.R. 7 does nothing to spur more charitable giving.

A centerpiece of President Bush's "faith-based initiative" since he first announced his plans in January, the non-itemizer deduction received broad, bipartisan support. What is there to oppose in this proposal? The same tax benefit that is currently given to itemizing taxpayers to deduct their charitable gifts would be extended to the 85 million Americans — two-thirds of all taxpayers — who file their taxes using the short form. Most of these taxpayers are in low- and middle-income tax brackets.

The rationale behind this commonsense idea is simple: Giving a tax incentive to all taxpayers will encourage the ones already giving to give more and provide an incentive for new givers as well. In fact, a recent study estimated that the nonitemizer deduction as proposed by President Bush — a dollar-for-dollar deduction with no floor and with a ceiling of the amount of the standard deduction — would result in \$14.6 billion of additional giving in the first year and an estimated \$150 billion over 10 years. The study also estimated that the proposal would result in 11.7 million new givers. But this tax code change would not come without a price. Over 10 years, the proposal would cost an estimated \$84 billion.

So what happened to the nonitemizer deduction? The Bush administration

made a tactical decision that sealed the fate of this proposal. Instead of including the nonitemizer deduction in the \$1.3 trillion tax cut bill passed and signed into law in May, the administration decided to combine it with its other "faith-based" proposals. This strategy was meant to sweeten the controversial "charitable choice" provisions.

However, the tactic is very telling: Despite President Bush's stump rhetoric, the nonitemizer deduction was certainly not his first priority since it was not pushed as part of the tax bill. After passing the huge tax cut bill, the budget simply cannot afford another tax cut of the size of the nonitemizer deduction as originally touted.

Instead of abandoning the proposal altogether, the House decided to make the nonitemizer deduction more affordable. The House Ways and Means Committee scaled back the proposal to a laughable size. Under H.R. 7, nonitemizers may deduct their charitable gifts up to the amount of a ceiling phased in over 10 years. In the first year, a single taxpayer may deduct up to \$25 of her charitable gifts, amounting to a tax benefit of a whopping \$3.75, according to Ranking Member Charles Rangel, D-N.Y. After 10 years, the proposal will appreciate to its maximum level with ceilings of \$100 and \$200 for singles and couples, respectively.

At the committee mark-up, Bush administration officials had no analysis of what kind of charitable giving this new nonitemizer deduction would spur. The lack of data is not surprising. Since the average nonitemizing taxpayer currently gives \$238 a year in charitable donations, the minuscule ceilings will do little to encourage more giving by more givers.

The saga of the nonitemizer deduction is not over. The Senate has yet to vote on its charitable giving bill, which includes a nonitemizer deduction with a floor of \$500. This version of the proposal would surely spur more charitable giving than the version passed by the House, but it would also cost the Treasury more. Fiscal reality may render a meaningful non-itemizer deduction impossible this year.

What a sad fate for a proposal that had such potential. Δ

Panel says French religion law sets bad precedent

A French law that cracks down on religious groups considered sects or cults could set a dangerous precedent for government-targeted minority religions in other countries, human rights advocates said July 11.

"While much will depend on how the statute is implemented, we are concerned that it has established a precedent that is troubling, not only because of its potential impact in France, but also because of its likely use as a model by undemocratic countries or aspiring democracies who look to western Europe for guidance," Lorne W. Craner, assistant secretary of the State Department's Bureau of Democracy, Human Rights and Labor, told a House International Relations Committee panel.

"We have seen evidence that French officials are actively promoting their model in some of these countries, and that some — such as Russia and other countries in eastern Europe — are even considering its adoption," he said. "We are distressed at reports that the government of Hong Kong, under pressure from China, may adopt a law based on the (new law) in order to deal with the Falun Gong."

Under the French law, government officials can ban religious groups considered cults and can stop them from changing their name and reorganizing. Δ

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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.

"Charitable choice," continued from Page 1

based organizations to select staff on a religious basis," said Rep. James Sensenbrenner, R-Wis.

Before the passage of H.R. 7, a Democratic substitute amendment to the bill was defeated 261-168. Among other changes, it would have prohibited employment discrimination with the tax money flowing to religious groups. In addition, a vote to recommit the bill, a move considered to be the opposition's best chance to kill the bill in its present form, failed by a 234-195 vote.

In the House bill, lawmakers approved a watered-down version of a tax incentive for private charitable giving.

Religious groups and others had praised the bill's original provision that would have allowed taxpayers who do not file itemized forms to deduct donations to charities and churches from their taxable income. But lawmakers on the House Ways and Means Committee dramatically watered down that provision by allowing single nonitemizers to only claim up to \$25 in donations.

After the vote, House Democratic Leader Richard Gephardt stated that while he supported faith-based organizations, he had "fundamental problems with the bill" as presented.

"We believe it opens the door to discrimination by weakening state and local and federal civil rights laws," said Gephardt. "We think the tax incentive is not paid for and is so small it will make almost no difference in charitable giving. Finally, it violates the separation of church and state."

In his remarks at a post-vote press con-

ference, Rep. John Lewis, D-Ga., said, "There is no doubt that there are many religious organizations and institutions providing much needed services to people. But as a government and as a nation, we should not sanction religious discrimination or violate the separation of church and state. I am disappointed in my colleagues who voted today to do just that."

Also speaking at the post-vote press conference was Brent Walker, executive director of the Baptist Joint Committee.

He said, "There are people everywhere who oppose H.R. 7 and the principle of charitable choice not despite their religious beliefs but precisely because of them — the

Charitable choice will compromise the voice of faith.

— Welton Gaddy



high regard they hold religion in and the dedication they have to religious liberty and the separation of church and state."

A day earlier, Walker expressed opposition to the bill at a press conference with other religious leaders.

"Charitable choice is kind of like Grape-Nuts," he said. "You put two perfectly good words together and the meaning comes out completely different. And it tastes bad. Charity and choice are right; Charitable choice is wrong."

Welton Gaddy, executive director of The Interfaith Alliance, addressed the threat of the legislation to the "health, vitality and integrity of religion."

"President Bush's faith-based initiatives and proposed expansion of charitable choice legislation will compromise the voice of faith and create a social service system prone to discrimination, coercion and proselytization — all in the name of religion," Gaddy said. Δ



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