



# REPORT FROM THE CAPITAL

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## NewsMakers

◆ **Alabama** Supreme Court Chief Justice Roy Moore, who became famous for his efforts to keep the Ten Commandments displayed in his former courtroom, has placed a 5,280-pound monument to the biblical laws in the state Supreme Court building. "I'm the highest legal authority in the state, and I wanted it there," Moore said of the granite monument in the court's rotunda in Montgomery, Ala. "Doesn't it look great?"

◆ **Ben Endres Jr.**, an Indiana state trooper who lost his job last year for refusing to work inside a casino because of religious reasons, has filed a federal lawsuit against the state police department. The lawsuit claims the police department violated Endres' contract and his civil rights by firing him for insubordination when he rejected an assignment at a casino in Michigan City.

◆ **Bishop Vinton R. Anderson**, the head of the African Methodist Episcopal churches in Virginia, Maryland, North Carolina and the District of Columbia, expressed concern that the tax money religious organizations would be allowed to compete for under "charitable choice" would come with government strings attached. "We need to be sure that the government won't intrude into the life of the church," Anderson was quoted in *The Washington Times*. ▲

## International panel begins work despite delay in appointments

Despite missing three of its voting members, a U.S. Commission on International Religious Freedom issued its first formal action this week, asking Secretary of State Colin Powell to raise issues of religious freedom on his upcoming trip to Asia.

Six of the commission's members sent Powell a letter on July 23, urging him to "raise prominently the protection of religious freedom in China, Vietnam, and the Democratic People's Republic of Korea" when he travels there later in the month.

The panel, whose members serve two-year terms, was created in 1998 under the International Religious Freedom Act to advise the president and Congress on matters of religious freedom abroad.

The previous commissioners' terms ended May 14, and only six of the nine members on the new commission have been appointed. President George W. Bush has yet to make his three appointments to the panel, which means for now there is a majority of Democratic appointments. Since six members make a quorum for the panel, however, they have begun work and the letter to Powell is their first action.

Associated Baptist Press previously reported that Southern Baptist Ethics and Religious Liberty Commission President Richard Land is likely to be among those appointed to the government-funded commission by Bush. Land, who has been the president of the ERLC since 1988, gained national attention for engineering the SBC's boycott of Disney.

The six current members include Leila Nadya Sadat of the Washington Univer-

sity School of Law and Felice Gaer of the American Jewish Committee's Jacob Blaustein Institute for the Advancement of Human Rights. Both were appointed by House Minority Leader Richard Gephardt, D-Mo.

Firuz Kazemzadeh, senior adviser to the National Spiritual Assembly of the Baha'is of the United States and Charles Stith, former U.S. ambassador to Tanzania, were selected by Senate Majority leader Tom Daschle, D-S.D. Senate Republican Leader Trent Lott, R-Miss., chose Michael Young, dean of the George Washington University Law School, for the commission. House Speaker Dennis Hastert, R-Ill., chose Nina Shea, director of Freedom House's Center for Religious Freedom.

In the letter to Powell, the commission cited abuses in China including complaints that "leaders and members of unregistered Protestant and Roman Catholic churches have been arrested, Tibetan Buddhist monasteries closed and private religious practices monitored, and Uighur Muslims in Xinjiang have been executed on specious charges without even a semblance of due process or fair trial."

Other abuses included destruction of religious buildings and the government's continued "control over the training and selection of clergy and leaders of the official Protestant and Catholic churches."

Grievances with the Vietnamese government included its "repressive policy toward all religions and their followers in Vietnam," specifically pointing out Hoa Hao Buddhists and Christians that are of ethnic minorities. ▲



New commission raises religious liberty issues

## Appeals court OKs Virginia moment-of-silence statute

A U.S. appellate court has upheld Virginia's moment-of-silence law, which mandates that public school children begin each day with meditation, prayer or other quiet activity.

By a vote of 2-1, the 4th U.S. Circuit Court of Appeals ruled July 24 that the inclusion of the word "prayer" in the statute did not make it unconstitutional, *The Washington Post* reported.

"Virginia has introduced at most a minor and non-intrusive accommodation of religion," wrote Judge Paul V. Niemeyer for the majority.

"Just as this short period of quiet serves the religious interests of those students who wish to pray silently, it serves the secular interests of those who do not wish to do so."

Judge Robert B. King, who issued a dissenting opinion, said the ruling "spurns controlling precedent" from a 1985 decision striking down a similar Alabama law.

"The 'minute of silence' mandated by the Virginia statute is, like the Trojan Horse, a hollow guise ... [for] an effort to once more usher state-sponsored religion into public schools," wrote King. *The Post* reported.

The American Civil Liberties Union challenged the law on behalf of seven families. They believe the law promoted religion by mandating that public school children devote a minute each morning to "meditate, pray or engage in other silent activity." Δ

## N.C. legislature approves bill allowing Ten Commandments

The North Carolina state legislature has approved a bill permitting public schools to display the Ten Commandments.

Passed by the House July 26 in a 94-18 vote, the measure would allow the display of the Ten Commandments alongside other historical documents, such as the Magna Carta, that have helped shape U.S. law and government. The proposal discourages authorities from elevating one religion over others.

The measure had already been approved by the Senate, and now awaits the signature of Gov. Mike Easley, who has said he will sign it into law. The governor "had his legal counsel research this issue to ensure that it was constitutional and sensitive to other religions," according to his spokeswoman, Cari Hepp.

Critics of the measure say it infringes on the rights of people who belong to non-Judeo-Christian faiths and may lead to lawsuits. The North Carolina chapter of the American Civil Liberties Union has pointed out that schools are already allowed to display the Ten Commandments as a component of history education, according to *The Associated Press*. Δ

## Court dismisses bias claim by fired lesbian employee

A federal judge July 23 dismissed claims of religious discrimination by a lesbian who was fired by a Baptist child-care agency in Kentucky.

But U.S. District Judge Charles R. Simpson III in Louisville, Ky., said he will consider further complaints that the receipt of public funds by the Kentucky Baptist Homes for Children may be unconstitutional.

Last year, Alicia Pedreira sued the agency after she was fired. The agency said, "Her admitted homosexual lifestyle is contrary to Kentucky Baptist Homes for Children core values."

Simpson ruled that there was no religious discrimination because the agency's code of conduct mandates that employees' behavior be consistent with its religious beliefs but does not require them to adhere to particular religious beliefs.

In the same case, Pedreira and others questioned the agency's acceptance of public funds. They claimed that public funds are being used for services "infused with the teachings of the Baptist faith." The agency and the state asked Simpson to

dismiss the claims that they violated the First Amendment's Establishment Clause. Simpson denied that motion.

Barry Lynn, executive director of Americans United for Separation of Church and State, said the further consideration of the constitutional issues "bolsters our view that government funds cannot be provided to institutions in which religious and secular functions are inextricably intertwined."

In a statement regarding the religious discrimination ruling, William K. Smithwick, president of the agency, said, "This decision permits us to continue to serve the children of Kentucky based on the principles and standards upon which this organization was founded."

Vickie Grassman, director of communications, said the agency, which is a ministry of Southern Baptist churches in Kentucky, will "now begin to prepare for trial on the Establishment Clause issue." Δ

## Whitney Washington joins staff of Baptist Joint Committee

Whitney Washington, an education graduate of Baylor University and a former resident of Dallas, Texas, has been named assistant to the general counsel at the Baptist Joint Committee.

Washington joined the staff of the Washington, D.C.-based religious liberty agency July 16.

Previously she taught sixth-grade language arts and world history at Bowman Middle School in Plano, Texas. She holds teaching certifications in secondary-level English and speech, as well as elementary education.

Washington, who was a member of the student government electoral commission at Baylor, succeeds Mandy Tyler, who left the BJC to attend law school at the University of Texas at Austin.

Washington will assist Holly Hollman, BJC general counsel, in work with religious liberty coalitions and with legal research.

BJC Executive Director Brent Walker said Washington is a great addition to the staff.

"Whitney brings to her work a passion for teaching and a commitment to religious liberty and church-state separation," Walker said. "She's ideally suited to continue Mandy's excellent work." Δ



# Compromises on faith-based bill like spraying perfume on a skunk



J. Brent Walker  
Executive Director

The first rule in legislating is to do no harm before worrying about trying to do good. The House of Representatives violated that dictum when it passed the "charitable choice" bill (H.R. 7) last month. H.R. 7 does almost nothing to help the poor or

advance the work of religious charities but does a lot to harm the cause of religious liberty and church-state separation.

For example, it expressly allows employment discrimination on the basis of religion in federally funded programs. Contrary to the "states' rights" rhetoric that often emanates from the House, H.R. 7 overrides more protective state and local anti-discrimination laws. An amendment to the bill deletes language that would have required the government to provide a "non-religious alternative," including instead a weaker provision requiring the religious provider to steer a beneficiary to an "inobjectionable" provider.

True, H.R. 7 not only prohibits the use of federal funds to pay for religious activities, but also requires that any religious activities be voluntary and offered separately from the government-funded program. Sounds good. But charitable choice proponents already can be heard chortling about how easy it will be to get around that requirement. "All it takes is a little bit of creativity," an official was quoted to have said in *World Magazine*. Give a homeless person the "choice" of listening to a sermon or writing a paper after dinner, and you know which he will "choose." Moreover, H.R. 7 gives cabinet secretaries the discretion to "voucherize" federal grants. If grants are turned into vouchers, there is no bar to proselytizing or integrating religion into a funded program.

Finally, the House gutted the one bright spot in the bill — a provision that would have allowed nonitemizing taxpayers to deduct their charitable contributions, thereby increasing private charitable giving by an estimated \$150 billion over 10 years. H.R. 7 limits such deductions to a

laughable \$25 per year. It will do virtually nothing to encourage charitable giving.

Now it's on to the Senate. President Bush appears willing to wheel and deal to get a bill passed there. Sen. Rick Santorum, R-Pa., the bill's prime sponsor, seems willing to deal away the provision on preempting state and local laws. Sen. Joe Lieberman, D-Conn., a possible Democratic co-sponsor, worries about discrimination in federally funded programs, but is making noises about wheeling down the path of a limited voucher pilot program. No doubt there will be other "compromises" offered in an effort to facilitate the bill's passage in the Senate.

All of this is like spraying perfume on a skunk. The skunk still stinks. The best thing the Senate can do is nothing.

If the Senate decides to go forward with a faith-based bill, it should start from scratch and at least provide for the following:

- Restore a fully funded charitable tax incentive bill that was gutted in H.R. 7. Nonitemizers should be able to deduct the money they give away to charities to help others.
- Require the establishment of a separate nonprofit organization to receive federal money and deliver social services in which religious activities are privately funded, separately offered and truly voluntary.
- Establish and provide funding for a plan for technical assistance to make setting up a separate 501 (c)(3) easier, quicker and cheaper (e.g., waive user fees, give expedited review, publish model forms, etc., especially for small churches).
- Make clear that religious organizations will not be allowed to discriminate on the basis of religion in federally funded programs.
- Strike the language that allows cabinet secretaries to circumvent church-state safeguards by "voucherizing" the aid.

If the Senate cannot or will not do these things, it would do well to simply let the skunk die. Δ

## Byrd to leave ABP to attend law school

Kenny Byrd, the first chief of Associated Baptist Press' Washington bureau, has resigned to enter law school at Boston College.

"I may be making an unwise decision — leaving the greatest job a free-thinking reporter could have for a new career in law," Byrd wrote in his resignation letter. "But for many reasons, it is the decision I need to make at this time."

Byrd, 28, accepted the newly created bureau position in May 2000. Before that he covered Washington for ABP four years as lead writer for Baptist News Service, a division of the Baptist Joint Committee on Public Affairs.

"The decision to leave ABP and change careers has been a tough one because I have thoroughly enjoyed my job and time with ABP," Byrd said. He deferred entry into law school two years, he said, to remain in the job.

During the last five years, Byrd has covered five State of the Union addresses, the impeachment hearings and trial of President Clinton, arguments before the U.S. Supreme Court in the 2000 presidential election dispute and the 2000 Democratic and Republican conventions.

"I can never repay those who gave me this opportunity to report from up close on top lawmakers and politicians in the country," he said. 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
- ◆ National Baptist Convention of America
- ◆ National Baptist Convention U.S.A. inc.
- ◆ National Missionary Baptist Convention
- ◆ North American Baptist Conference
- ◆ Progressive National Baptist Convention Inc.
- ◆ Religious Liberty Council
- ◆ Seventh Day Baptist General Conference

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### Faith-based initiative the wrong way to do right



James Lamkin

Lewis about this as the bill passed through the House of Representatives. As it goes to the Senate, I am writing Zell Miller and Max Cleland.

Money is seductive. If I were running a Christian drug rehab program on a shoestring budget out of a struggling downtown church, I'd be sorely tempted to take all the money the government would give. I bet I could even find statistics to prove that my program was better than AA's because my clients were required to memorize *The Sermon on the Mount!*

However, I'm "agin' it"—this faith-based initiative — and here's why: First, faith groups, like churches, *can and do discriminate* in their hiring. Jews can hire Jews. Baptists can choose to hire only Baptists. But, if you take government money, discrimination is wrong. Suppose I am a Baptist in Salt Lake City with a master's degree in social work; and I am turned down for a job at a Mormon counseling center because I was not a Latter Day Saint. That would make me mad — especially when it was my tax money that was funding the job!

Second, just because the pie has more slices, doesn't mean the pie is larger. For faith groups to get a little, existing programs will get less.

Third, faith groups teach religion — and they should. A Muslim-sponsored literacy program should have the Koran as required reading. But, tax dollars should not fund this.

Fourth, the terrain of community service would become a field for financial competition. Churches already compete too much and cooperate too little. Also, who will make the decision that Church ABC is worthy of government money, and that Wiccan Council DEF is not? And courtrooms — get ready for overtime.

Over 200 years ago, John Leland, a Virginia Baptist spoke the truth, "The fondness of magistrates to foster Christianity has caused it more harm than all the persecutions ever did."

Certainly, this legislation is an attempt to do right; but this is the wrong way. It is an unholy union that appears to help, but ultimately hurts, both government and religion.

— James E. Lamkin  
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